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International Court of Justice

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Official transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 10 January, 1946, 1000-1300 hours, Lord Justice Lawrence, presiding.

MR. BRUDNO: May it please the Tribunal when the Tribunal rose yesterday I finished the submission of proof as to Rosenberg's responsibility and authority in the occupied Eastern territories, and was about to conclude my presentation with four brief examples as to the manner in which his authority was exercised. I was in the middle of the third example, which your Honors will recall dealt with Rosenberg's participation in the forced labor program. I wish to conclude that illustration with reference to Document 199-PS, which we offer as U.S. Exhibit 606. This document is a letter from Alfred Meier, Rosenberg's deputy, addressed to Sauckel, dated July 11, 1944. This time, your Honors will note, it is Rosenberg's ministry that is urging action. I wish to quote item number 1 of this letter, which reads as follows:

"The war employment command formerly stationed in Minsk must continue under all circumstances the call in of your white Ruthenian and Russian manpower for military employment in the Reich. In addition, the command has the mission to bring your boys of 10-14 years of 10-14 years of age to the Reich."

My third illustration deals with Rosenberg's exercise of his legislative power, and I ask the Court to take judicial notice of the decree signed by Lohse, who was Reich Commissar for the Ausland. This decree is published in the Verordnungs Blatt for the Ausland, 1942, No. 38, pages 158 and 159. It provides for the seizure of the entire property of the Jewish population in the Ausland, including the claims of Jews against third parties. The seizure is made retroactive to the day of occupation of the territory by German troops. This sweeping decree was issued and published by Rosenberg's immediate subordinate and it must be assumed that Rosenberg knew of it and acquiesced in it.

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I now come to my final illustration. This illustration is derived from Document 327-PS, which is already in evidence as U.S.A. Exhibit 338.

This exhibit is a copy of a secret letter from Rosenberg to Bormann dat dated October 17, 1944. It furnishes a graphic account of Rosenberg's activities in the economic exploitation of the Occupied East. I quote from the first paragraph on page 1, which has not been read into the record:

> "In order not to delay the liquidation of companies under my supervision, I beg to point out that the companies concerned are not private firms but business enterprises of the Reich so that also actions with regard to them just as with regard to government offices are reserved to the highest authorities of the Reich. I supervise the following companies:"

There follows a list of nine companies--a trading company, an agricultural development company, a supply company, a pharmaceutical company and five banking concerns. On page three of the translation at item 1a, the mission of the trading company is stated to be:

> "Collection of all agricultural products as well as commercial marketing and transportation thereof. (Delivery to armed forces and the Reich)."

Item five reads as follows:

> "During this period, the Z.O. (Central Trading Corporation) together with its subsidiaries has collected:
>
> | | |
> |---|---|
> | Grain | 9,200,000 tons |
> | Meat and meat products | 622,000 " |
> | Lindseed | 950,000 " |
> | Butter | 208,000 " |
> | Sugar | 400,000 " |
> | Fodder | 2,500,000 " |
> | Potatoes | 3,200,000 " |
> | Seeds | 141,000 " |
> | Other agricultural products and | 1,200,000 " |
> | | 1,075,000,000 eggs |
>
> The following was required for Transportation:
>
> 1,418,000 railroad box cars and 472,000 tons of boat shipping space."

In conclusion, the evidence has shown that the defendant Rosenberg played a leading role in the Nazi party's rise to power by molding German

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thought so as to promote the conspirators' ambitions; that he played a leading role in spreading propaganda and intrigue and in instigating treason in foreign countries so as to pave the way for the waging of wars of aggression; and that he bears full responsibility for the war crimes and crimes against humanity which were perpetrated in the Occupied Eastern Territories, which will be further developed by the Prosecutor for the U.S.S.R.

This completes the presentation of the case against the defendant Rosenberg. The next presentation will be that of the case against the defendant Frank, which will be presented by Lt. Col. Baldwin.

LT. COL. BALDWIN: May it please the Tribunal, we wish now to deal with the individual responsibility of the defendant Frank. In accordance with the expressed desire of the Tribumal, the presentation has been strictly limited, and I welcome any direction from the Tribunal as to method or length as I proceed.

First, I must acknowledge my indebtedness to Miss Hariet Zetterberg, of our legal staff, and to Doctor Pietrowski, of the Polish delegation for their invaluable work, Doctor Pietrowski naturally having a special interest in the defendant Frank.

Aspects of the criminal complicity of the Defendant Hans Frank under Count I of the Indictment have been placed before this Tribunal on several occasions. There remain, however, certain matters for discussion -- either novel in presentation or development -- concerning this Defendant as an individual before the United States portion of the Prosecution's case against him is completed. Needless to state, our Soviet colleagues will carry further and heavy complaint against the Defendant Frank in their treatment of War Crimes and Crimes against Humanity in the East. We wish here merely to touch upon that evidence which, we believe, irrefutably discloses Frank to have been a tremendously important cog in the machine which conceived, promoted and executed the Nazi Command Plan or Conspiracy. Documents relating to this point have been assembled in a document book bearing the letter "FF". I am informed that these books, as well as explanatory briefs, have

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been distributed for the use of the members of the Tribunal.

Reference will be made in the course of this argument to the so-called "Frank Diary", portions of which have already been brought to the attention of this Tribunal. It seems appropriate that brief mention be made here of the content and source of this Diary. It is a set of 42 volumes detailing the activities of the Defendant Frank from 1939 to the end of the war in his capacity as General Governor of Occupied Poland. It is a record, in short, of each day's business -- hour by hour, appointment by appointment, conference by conference, speech by speech, and, in truth we believe, crime by crime. Each volume, excepting the last few, is handsomely bound and in those volumes, which deal with the conferences of Frank and his underlings in the General Government, the name of each person attending the meeting is inscribed in his own handwriting on a page preceeding the minutes of the conference itself. It is incredibly shocking to the normal conscience that such a neat history of murder, starvation and extermination should have been maintained by the individual responsible for such deeds but by now the Tribunal is well aware that the Nazi leaders were sentimentally fond of elaborately documenting their exploits, as witness the Rosenberg volumes displaying the looted art treasures and the album reporting on the extermination of Jews in the Warsaw Ghetto. The complete set of the Frank Diary was found in Bavaria, near Neuhaus, on 18 May 1945, by the 7th American Army. It was taken to the 7th Army Document Center at Heidelberg and on or about 20 September 1945, the collection was sent to the Office of U. S. Chief of Counsel here at Nurnberg. It is here in Court in its entirety, and now its tones we submit, are those of accusation, rather than boastful narration.

That the Defendant Frank held a position of leadership in the Nazi Party and in the German Government is undeniable. Even, presumably, it would be unfair to the Defendant Frank to underestimate his importance in the Nazi hierarchy and the Third Reich. Like theother Defendants in this case, he was a man of far-reaching influence and position, and his office-

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holding record is already before this Court. It is an affidavit signed by the Defendant Frank

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and identified as USA Exhibit #7. This document contains a listing of eleven important positions held by Frank in the Party and in the government and supports the assertion of influence and position which I have just made, especially since this Tribunal has been fully apprised of the criminal activities of the Nazi organizations and formations.

The machinations of Frank divide themselves logically into two periods. In the one -- from 1920 to 1939 -- he was, by his own admission, the leading Nazi jurist, although parenthetically the word "jurist" loses its reputable content when modified by the word "Nazi." In the other period -- extending from October 1939 until the end of the war -- he was the Governor General of Occupied Poland. While he is most notorious for his persecutions and carrying out of the conspiracy in the latter capacity, it is the opinion of the U.S. Prosecution that the Defendant Frank's contributions to the Nazi rise in power as the leading "Nazi jurist" should not pass without mention. It is with this aspect that I shall first deal -- the Defendant Frank's furtherance of the realization of the conspirators' program in the field of law, his knowledge of the criminal purpose of the program and his active participation therein.

The defendant Frank himself described his role in the Nazi struggle for power in the following words in the course of his closing remarks at a conference held on 28 August 1942 at Kressendorf. The remarks appear in the Diary and are translated in our document 2233-PS which, if the Court please, is at page 54 in the Document Book before it. The numbers of the pages of the document book will be found in the upper right-hand corner in colored pencil, red or blue. The original of this document I now offer in evidence as U.S.A. Exhibit 607. In the German texts these extracts appear in Part 3 in the 1942 diary volume on pages 968, 969, and 983, and I now quote. Frank says:

"I have since 1920 continually dedicated my work to the NSDAP. As a National Socialist I was a participant in the events of November 1923 for which I received the Blutorden. After the resurrection of the movement in the year 1925, my real greater activity in the movement began, which made

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me, first gradually, later almost exclusively, the legal adviser of the Fuehrer and of the Reich leadership of the NSDAP. I thus was the representative of legal interests of the growing Third Reich in a legal ideological as well as practical legal way. He goes on to say: "The culmination of this work I see in the big Leipzig Army Trial in which I succeeded in having the Fuehrer admitted to the famous oath of legality, a circumstance which gave the Movement the legal grounds to expand generously. The Fuehrer indeed recognized this achievement and in 1926 made me leader of the National Socialist Lawyers' League; in 1929, Reich Leader of the Reich Legal Office of the NSDAP: in 1933, Bavarian Minister of Justice; in 1934, President of the Academy of German Law founded by me; in December 1934, Reich Minister without portfolio; and in 1939, I was finally appointed to Governor General for the occupied Polish territories.

"So I was, am, and will remain the representative jurist of the struggle period of National Socialism.

"I profess myself now, and always, as a National Socialist and a faithful follower of the Fuehrer Adolf Hitler, whom I have now served since 1919."

It is indeed significant and worth mentioning to the Court —

THE PRESIDENT (interposing): Is this an extract from his diary?

LT. COL. BALDWIN: Yes, it is.

THE PRESIDENT: Are the words "Present: Doctor Hans Frank and others" written by him in his diary?

LT. COL. BALDWIN: Yes, sir, they are. Before each of these excerpts, if your Honor please, if it was a conference it was indicated which members of the government generally were present or who made the address.

THE PRESIDENT: Yes.

LT. COL. BALDWIN: It is indeed significant and worth mentioning to the Court that the defendant Frank assumes responsibility for the so-called oath of legality at the Leipzig army trial. At that trial, in 1930, three army officers were accused of, curiously enough, conspiracy to high treason. The charge was that the defendants in that trial in their capacity as members of the German Army tried to form National Socialist cells in the

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German Army and to influence the German Army to such an extent that in the case of a Putsch by the National Socialists the army would not fire at the National Socialists but would stand at ease instead. All three of the officers were found guilty and sentenced to eighteen months' confinement. At that trial, however, Hitler was a witness and during the course of the trial testified under oath that the term "revolution" used by him only meant spiritual revolution in Germany, and the expression "Heads would roll in the sand" meant only that they would do so as a result of legal procedure through State Tribunals if the National Socialists came to power. This, if the Court please, was the so-called oath of legality, the lie that the defendant Frank provided his Fuehrer as a facade for the conspiracy of which he, at least in 1942, considered the culmination of his efforts.

As the "representative jurist of the struggle period of National Socialism" and in the various juridical capacities listed in his affidavit of positions held, Defendant Frank was between 1933 and 1939 the most prominent policy maker in the field of German legal theory. For example, Defendant Frank founded the Academy of German Law in 1934 and he was president of this once-potent body until 1942. The statute defining the functions of the academy conferred on it wide power to initiate and coordinate juridical policies.

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This statute appears in the translation at page 5 in the document book, as our document 1391-PS, and appears in the 1934 Reichsgesetzblatt at page 605. We ask the Court to take judicial notice of it. I now quote briefly from the decree.

"It is the task of the Academy for German Law to further the rejuvenation of the Law in Germany. Closely connected with the agencies competent for legislation it shall further the realization of the National Socialist program in the realm of the Law. This task shall be carried out through well-fixed scientific methods.

"The Academy's task shall cover primarily:

"1. The composition, the initiation, judging and preparing of drafts of law.

"2. The collaboration in rejuvenating and unifying the training in jurisprudence and political science.

"3. The editing and supporting of scientific publications.

"4. The financial assistance for research and work in specific fields of Law and Political Economy.

THE TRIBUNAL (Mr. Biddle): Do you have to read all this? We will take judicial notice of it.

LT. COLONEL BALDWIN: Among the early tasks which Defendant Frank set for himself, as policy maker in the field of law, were the unification of the German State, the promotion of racial legislation and the elimination of political organizations other than the Nazi Party. In a radio address given on 20 March, 1934, he announced success in these matters. Our partial English translation of this speech appears as document 2536-PS, page 64 in the document book. The official text of this speech appears in Dokumente der Deutschen Politik, Volume II, page 294-298. In the German text the extracts which I shall quote appear at pages 296 and 298, and I will ask the Court to take judicial notice of these passages.

"The first task was that of establishing a unified German State. It was an outstanding historical juristic-political accomplishment on

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the part of our Fuehrer that he reached boldly into the development of history and thereby eliminated the sovereignty of the various German States. At last we have now, after 1000 years, again a unified German State in every respect. It is no longer possible for the world, based on the spirit of resistance inherent in small States, which are set up on an egotistical scale and solely with a view to their individual interest, to make calculations to the detriment of the German people. That is a thing of the past and for all times to come."

I pass on now to the second excerpt.

"The second fundamental law of the Hitler Reich is racial legislation. The National Socialists were the first ones in the entire history of human law to elevate the concept of race to the status of a legal term. The German Nation , unified racially and nationally, will in the future be legally protected against any further disintegration of the German race stock."

I pass now to the mention of the sixth.

"The sixth fundamental law was the legal elimination of those political organizations which within the State, during the period of the reconstruction of the people and the Reich, were once able to place their selfish aims ahead of the common good of the Nation. This elimination has taken place entirely legally. It is not the coming to the fore of despotic tendencies, but it was the necessary legal consequence of a clear political result of the 14 years' struggle of the NSDAP.

"In accordance with these unified legal aims," Frank continues, "in all spheres, particular efforts have for months now been made as regards the work of the great reform of the entire field of German law.

"As a leader of the German jurists, I am convinced that,

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together with all strata of the German people, we shall be able to construct the legal State of Adolf Hitler in every respect and to such an extent that no one in the world will at any time be able to dare to attack this legal State as regards its laws."

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In his speech on the occasion of the Day of the Reich University Professors of the National Socialist L awyers' League on 3 November, 1936, Defendant Frank explained to the gathering of professions, the elimination of Jews from the legal field, in accordance with the Nazi plan. Our partial translation of this speech appears as Document 2536-PS, at page 26 of the Document Book. The official text appears likewise in Dokumente der Deutschen Politik, in Volume IV, pages 225 to 230. I ask the Tribunal to take judicial notice of this. It deals, to summarize --

THE PRESIDENT: I don't think you need it because we have already had documents of the same sort.

LT. COLONEL BALDWIN: As the leading Nazi jurist, the Defendant Frank accepted, condoned and promoted the system of concentration camps and of arrest without warrant. He apparently had no hesitancy in subverting the legal framework of the German State to Nazi ends. He explains the outradeous departure from civilization that were concentration camps in an article on "Legislation and Judiciary in the Third Reich", published in 1936 in the official journal of the Academy. of which, of course, he was the editor. The partial translation of this article appears as our Document 2533-PS, at page 61 of the Document Book. The official German text of the extract appears in Zeitschrift der Akademie fuer Deutsches Recht, 1936, at page 141 and I will ask the Tribunal to take judicial notice of this. Since the extract is short, I will ask permission to read it. Frank said:

"To the world we are blamed again and again because of the concentration camps. We are asked, 'Why do you arrest without a warrant of arrest'? I say, put yourselves into the position of our nation. Don't forget that the very great and still untouched world of Bolshevism cannot forget that we have made final victory for them impossible, in Europe, right here on our German soil."

It can be seen, therefore, that just as other defendants mobilized the military, economic and diplomatic resources for aggressive war,

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the Defendant Frank, in the field of legal policy, geared the German juridical machine for a war of aggression, which war of aggression, as he explained in 1942 to the NSDAP Political Leaders of Galicia at a mass meeting in Lemberg, and I now quote from the Frank Diary, our Document 2233-PS-S, at page 50 in the Document Book, the original of which I offer into evidence as U.S.A. Exhibit 607--which war of aggression had for its purpose and I quote:

"to expand the living pace for our people in a natural manner."

THE PRESIDENT: Is that page 50?

LT. COLONEL BALDWIN: Yes, sir. It is a very short quote, sir.

The distortions and warpings of German law which Defendant Frank engineered for the Party gave him, if not the world, vast satisfaction. He reported this to the powerful Academy for German Law in November, 1939, one month after becoming Governor General of Occupied Poland. This speech is partially translated in our document 3445-PS, at page 73 in the Document Book. The official text of the speech appears in Deutsches Recht (Edition A), 1939 Volume 2, the week of 23-30 December 1939, beginning at page 2121 and we ask the Court to take judicial notice of this, but would ask permission to read the excerpt, as it is very short.

"Today we are proud to have formulated our legal principles from the very beginning in such a way that they need not be changed in the case of war. For the rule, right is that which is useful to the nation, and wrong is that which harms it, which stood at the beginning of our legal work, and which established this collective term of nation as the only standard of value of the law -- this rule dominates also the law of these times."

If this sentiment has a familiar cut to it, it is because it is a restatement of a Party commandment, refurbished and tailored by the Party lawyer to fit the Party's concept of law. I allude, of course, to the Party commandment, commented upon on page 1608 of the official English transcript of this proceedings in the treatment of the Leadership Corps, which commandment stated and I quote, "Right is that which serves the movement and thus Germany."

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It follows, I think, that the Prosecution conceives the Defendant Frank to be jointly responsible for all those cruel and discriminatory enabling acts and decrees through which the Nazis crushed minorities in Germany and consolidated their control over the German State and prepared it for its early entry upon aggression. It matters not, in our view, that the signature of this lawyer does not appear at the foot of every decree. Enough has been shown, in our submission, to show culpability in this regard. There is sufficient, we believe, now in this record -- and I refer to decrees cited by Major Walsh in his treatment of the persecution of the Jews and by Col. Storey in his treatment of the Reich Cabinet, to demonstrate that type of enactment and the consequences thereof, for which we hold the Defendant Frank liable. In following this theory, may it please the Tribunal, we are only arriving at conclusions already arrived at for us by the Defendant Frank himself.

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I now pass to that second and well-known phase of the Defendant Frank's official life - wherein he, for five years as chief Party agent, was bent upon the climination of a whole people. He was appointed Governor General of the Occupied Polish Territories by a decree signed by his then Fuehrer, on October 12, 1939. The decree defined the scope of Franks' executive power and is contained in our Document 2537-PS, at page 66 in the Document Book. I shall ask the Tribunal to take judicial notice thereof, since it appears in Reichsgesetzblatt, 1939, Part I, page 2077.

It merely states that Dr. Frank is appointed Governor-General of the Occupied Polish Territories; that Dr. Seyss-Inquart is appointed Deputy Governor General and that "the Governor-General shall be directly responsible to me", meaning Hitler, he having signed the decree.

While some of the outside world was prone in earlier days to wonder at the apparent efficiency of Nazi administration, we now know that it was often riddled with the petty jealousies of small men in positions of some authority and with jurisdictional fractiousness. No such difficulty exist with the Defendant Frank, however, for though he was not without the threat of divided authority, he insisted upon, and was granted, the favor of supreme command within the territorial confines of the General Government. Two references from his Diary, one in 1940 and one in 1942 are necessary to show the all-inclusiveness of his direction and authority.

At a meeting of Department Heads of the General Government on 8 - March 1940, in the Bergakademie, the Defendant Frank clarified his status as Governor General of Occupied Poland, and these remarks appear in the Diary and in our Document 2233-PS, at page 42 in the Document Book, the original of which I offer into evidence as USA Exhibit 173.

In the German text, the extracts appear in the Department Head Meetings, Volume for 1939-1940, at pages 6, 7 and 8. I now quote:

"Frank: One thing is certain. The authority of General Government as the representative of the Fuehrer and the will of the Reich in this territory is certainly strong, and I have always emphasized that I would not tolerate the misuse of this authority. I have

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allowed this to be known anew at every office in Berlin, especially after Herr Field Marshall Goering on 12.2.1940 from Karin Hall had forbidden all Administrative Offices of the Reich, including the Police and even the Wehrmacht, to interfere in administrative matters of the General Government..."

He goes on to say:

"There is no authority here in General Government which is higher as to rank, influence, and authority than that of the Governor General. Even the Wehrmacht has no governmental or official functions of any kind in this connection; it has only security functions and general military duties -- it has no political power whatsoever. The same applies here to the Police and SS. There is here no state within a state, but we are the representatives of the Fuehrer and of the Reich."

Later, in 1942, at a conference of the District Political Leaders of the NSDAP in Cracow on 18 March, Defendant Frank further explained the relationship between his administration and the Reichsfuehrer SS, Himmler. These remarks appear in the Diary and in our document 2233-PS R and at page 48 of the Document Book, the original of which I offer into evidence as USA Exhibit 608. In the German text, the extract to be quoted appears at page 185, and at page 186, of Diary Volume 1942, Part I. I now quote:

"As you know, I am a fanatic as to unity in administration . . . It is, therefore, clear that the Higher SS and Police Leader is subordinated to me, that the Police is a component of the Government, that the SS and Police Leader in the district is subordinated to the Governor, and that the district chief has the authority of command over the gendarmerie in his district. This the Reichsfuehrer SS has recognised; in the written agreement all these points are mentioned word for word and signed.

It is self-evident that we cannot set up a closed shop here which can be treated in the traditional manner of small states".

THE TRIBUNAL (Mr. Biddle): Do you think all this has to be read?

LT. COLONEL BALDWIN: It is considered important, sir, by the United States Prosecution, in view of the fact that this is the later extract from the Diary and indicates that two years later, even Frank considered himself to be the supreme authority in the General Government. This is a point which we conceive to be of importance sir.

May I proceed?

"It would, for instance, be ridiculous if we would build up here a security policy of our own against our Poles in the country, while knowing that the Poles in West Prussia, in Posen, in Wartheland and in Silesia have one and the same movement of resistance. The Reichsfuehrer SS and Chief of the German Police thus must be able to carry out with the aid of his agencies, his police measures concerning the interests of the Reich as a whole. This, however, will be done in such a way that the measures to be adopted will first be submitted to me and carried out only when I give my consent. In the General Government, the Police is the armed forces. As a result of this, the Leader of the Police system will be called by me into the Government of the General Government; he is subordinate to me, or to my deputy, as a State Secretary for the Security System."

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At this juncture, it is appropriate to mention that the man who filled the position of State Secretary for Security in the General Government was Frank's Higher SS and Police Leader Krueger.

THE PRESIDENT: Will you read the next page?

LT. COLONEL BALDWIN: May it please the Tribunal: I shall come to that excerpt later.

THE PRESIDENT: In the same document?

LT. COLONEL BALDWIN: Yes, sir. It seems more appropriate at another point.

The Tribunal may recall that the reports of the extermination of Jews in the Warsaw Ghetto were made in the Spring of 1943 by SS Leader Stroop, who immediately supervised the operation -- to this same Krueger, who was still at that time one of the two most influential members of Frank's Cabinet, as State Secretary for Security.

It was inevitable that the grand conspiracy or common plan should have as its component parts a host of small plans, each dealing with a particular sphere of activity. These plans, differing from the master plan only in size, are the blueprints for specific action drawn from the broad policies. Occupied Poland was no exception to this rule. The plan for the administration of Poland was contained in a top secret memorandum of a conference between Hitler and Chief of the OKW, Defendant Keitel, entitled, "Regarding Future Relations of Poland to Germany" and dated 20 October, 1939. This report was initialled by General Warlimont. It is our Document 964-PS and may be found at page 3 of the Document Book and I shall offer it into evidence as U.S.A. Exhibit 609.

I shall quote, if the Court please, only from paragraphs 1, 3, 4 and 6.

"1) The Armed Forces will welcome it if they can dispose of administrative questions in Poland.

"On principle, there cannot be two administrations.

"3) It is not the task of the Administration to make Poland into a model province or a model state of the German order or to put her economically or financially on a sound basis.

"The P olish intelligentsia must be prevented from forming a ruling class. The standard of living in the country is to remain low; we only want to draw labor forces from there. Poles are also to be used for the administration of the country. However, the forming of national political groups may not be allowed.

"4) The Administration has to work on its own responsibility and must not be dependent on Berlin. We don't want to do there what we do in the Reich. The responsibility does not rest with the Berlin Ministries since there is no German administrative unit concerned.

"The accomplishment of this task will involve a hard racial struggle which will not allow any legal restrictions. The methods will be incompatible with the principles otherwise adhered to by us.

"The Governor General is to give the Polish nation only bare living conditions and is to maintain the basis for military security.

"6) Any tendencies towards the consolidation of conditions in Poland are to be suppressed. The "Polish muddle" must be allowed to develop. The government of the territory must make it possible for us to purify the Reich territory from Jews and Poles too. Collaboration with new Reich provinces (Posen and West Prussia) only for resettlements (Compare Mission Himmler).

Purpose: Shrewdness and severity must be the maxims in this racial struggle in order to spare us from going to battle on account of this country again."

The Defendant Frank was the chosen executor of this program. He knew its aims, approved of them, and actively carried out the scheme. The Tribunal's attention has already been invited to USA Exhibit 297 wherein -- this may be found at page 1512 of the English text of the official transcript -- the Defendant Frank expounded the mission which his Fuehrer assigned to him and according to which he intended to administer in Poland. It contemplated, in brief, ruthless exploitation, deportation of all supplies and workers, reduction of the entire Polish economy to absolute minimum necessary for bare existence of the population, and the closing of all schools. No more callous statement exists than one Frank made in this report, wherein he said, "Poland shall be treated as a colony; the Poles shall be the slaves of the

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Greater German World Empire."

In December 1940, Frank submitted to his department heads that the task of administering Poland did truly involve a hard racial struggle which would not allow any legal restrictions. I refer to our document 2233-PS-O, which may be found at page 45 in the document book. It is taken from the Frank Diary, and I offer it into evidence as USA Exhibit 173. In the German text the extract to be quoted appears in the volume of the Diary entitled "Department Heads Meetings 1939-1940" on pages 12 and 13. I now quote:

"In this country the force of a determined leadership must rule. The Pole must feel here that we are not building him a legal state, but that for him there is only one duty, namely to work and to behave himself. It is clear that this leads sometimes to difficulties, but you must in your own interest see that all measures are ruthlessly carried out in order to become master of the situation. You can rely on me absolutely in this."

As for the Poles and Ukrainians, Defendant Frank's attitude was clear. They were to be permitted to slave for the German economy as long as the war emergency continued. Once the war was won, even this cynical interest would cease. I refer to a speech before German political leaders at Cracow on 12 January 1944. It appears in the Frank Diary and as our document 2233-PS-B at page 60 in the document book. It is the first passage on that page. I offer it in evidence as USA Exhibit 295. In the Diary, the German text will be found in the looseleaf volume covering the period from 1 January to 28 February 1944, at the entry for 14 January 1944 at page 24.

"Once the war is won", Frank tells these leaders -- and here we have, may it please the Court, the classic example of the completely brutal statement -- "Once the war is won, then for all I care mincemeat can be made of the Poles and the Ukrainians and all the others who run around here -- it doesn't matter what happens."

In accordance with the racial program of the Nazi conspirators, the Defendant Frank makes it quite clear in his diary that the complete annihilat of Jews was one of his cherished objectives. In USA Exhibit 271, Frank stated in late 1940 in his diary that he could not eliminate all lice and Jews in a year's time. In USA Exhibit 281, he notes in his Diary in the year 1942 that a program of starvation rations sentencing, in effect, 1,200,000 Jews to die of hunger, should be noted only marginally. In USA Exhibit 295, he confided to a secret press conference that in the year 1944 -- and this, too, is from the Diary -- there were still in the General Government perhaps 100,000 Jews.

These facts, if the Tribunal please, are from the diary of the man himself. We do no more here than to tabulate the results. The supreme authority within a certain geographic area admits that in a period of four years' time up to 3,400,000 persons from that area have been annihilated pursuant to an official policy and for no crime, but only because of having been born a Jew. No words could possibly reveal the inferences of death and suffering which must needs be drawn from these stark facts.

It was a Nazi policy that the population of occupied countries should endure terror, oppression, impoverishment and starvation. The Defendant Frank succeeded so well in thisregard that he was forced to report to his

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Fuehrer in 1943 that in effect Poles did not regard the General Government with affection. This report to Hitler was a summarization of the first three and one-half years of the Defendant Frank's administration. It, better than anything else, can show the conditions as they then existed as a result of the conspiratorial efforts of the Defendants.

The report is contained in our document 437-PS, at page 2 of the document book, and I now offer the original into evidence as USA Exhibit 610. In the German text, the extract to be quoted appears at pages 10 and 11 of this report by Frank to Hitler dated 19 June 1943, regarding the situation in Poland. I now quote. Frank says:

"In the course of time, a series of measures or of consequences of the German rule have led to a substantial deterioration of the attitude of the entire Polish people to the General Government. These measures have affected either individual professions or the entire population and frequently also -- often with crushing severity -- the fate of individuals."

He goes on:

"Among these are in particular:

"1. The entirely insufficient nourishment of the population, mainly of the working classes in the cities, whose majority is working for German interests.

"Until the war of 1939, its food supplies, though not varied, were sufficient and generally secure, due to the agrarian surplus of the former Polish state and in spite of the negligence on the part of their former political leadership.

"2. The confiscation of a great part of the Polish estates and the expropriation without compensation and resettlement of Polish peasants from maneuver areas and from German settlements.

"3. Encroachments and confiscations in the industries, in commerce and trade and in the field of private property.

"4. Mass arrests and mass shootings by the German police who applied the system of collective responsibility.

"5. The rigorous methods of recruiting workers.

"6. The extensive paralyzation of cultural life.

"7. The closing of high schools, junior colleges, and universities.

"8. The limitation, indeed the complete elimination, of Polish influence from all spheres of State administration.

"9. Curtailment of the influence of the Catholic Church, limiting its extensive influence -- an undoubtedly necessary move -- and, in addition, until quite recently, the closing and confiscation of monasteries, schools, and charitable institutions."

Indeed, the Nazi plan for Poland succeeded all too well.

THE PRESIDENT: This is only an extract here. Was he saying that these measures were inevitable or that he justified them, or what was he saying in the report?

COLONEL BALDWIN: He was saying that the Polish people's attitude to the General Government had substantially deteriorated. The reasons for the deterioration are the listings I gave to the court.

THE PRESIDENT: Is that all he said?

COLONEL BALDWIN: No, sir, that is just taken from pages 10 and 11 of the report. The report is an extremely long one.

THE PRESIDENT: Well, I suppose you know what the general tenor of the report was.

COLONEL BALDWIN: The general tenor of the report, Sir, was in the natu of a complaint to Hitler, that he, Frank, was having an extremely difficult time in the General Government because of these measures and because of these happenings in the General Government.

THE PRESIDENT: Very well.

COLONEL BALDWIN: In order to illustrate how completely the Defendant Frank is identified with the policies --

DR. SEIDL (Counsel for Defendant Frank)(Interposing): After the Tribunal has already asked the Prosecutor what would be the aim of presenting this document, I would like to emphasize here that this is a document of 40 typewritten pages addressed to Hitler and that Frank just criticizes the conditions which the prosecution has pointed out, that in this document he makes large and wide propositions in order to remedy the situation to which he severely objects.

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I shall, when it will be my turn, read the whole document.

THE PRESIDENT: Exactly. You will have full opportunity, when it is your turn, to explain this document, but it is not your turn at the moment.

DR. SEIDL: I only mention that now because the Tribunal itself drew my attention to this point.

THE PRESIDENT: One moment. Would you kindly state, for the purpose

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of the stenographers and the shorthand notes, your name and for whom you appear. You appear for Frank, don't you?

DR. SEIDL: Dr. Seidl, attorney for Frank.

THE PRESIDENT: It is necessary for the stenographers to get that each time.

DR. SEIDL: Yes.

THE PRESIDENT: Very well.

Now, Colonel Baldwin, I asked you what was the whole content of the document from which you were reading this paragraph.

COLONEL BALDWIN: Yes, sir.

THE PRESIDENT: And according to counsel for Frank, the document, which is a very long document, shows that Frank was suggesting remedies for the difficulties which he here sets out. Is that so?

COLONEL BALDWIN: That is so, yes, your Honor.

THE PRESIDENT: Well, I think the ---

COLONEL BALDWIN (Interposing): May it please the Tribunal, I didn't cite this portion of that document, as I will later demonstrate, to show that Frank did or did not suggest remedies for these conditions, but only to explain that these conditions existed as of a certain period.

THE PRESIDENT: Well, when you cite a small part of the document, you should make sure that what you cite is not misleading as compared to the rest of the document.

COLONEL BALDWIN: I see, your Honor, I hadn't considered it to be such in view of the purpose for which I introduced it, which, as I said, was only to suggest a set of conditions which existed at a certain time. I naturally assumed that the defense, as Dr. Seidl has indicated, would carry on with the rest of the document as a matter of defense.

THE PRESIDENT: Yes of course, that is all very well, but the Defendant Frank's counsel will speak at some remote date, and it isn't a complete answer to say that he will have an opportunity of explaining the document at some future date. It is for counsel for the Prosecution to make sure that no extracts which they read can reasonably make a misleading impression upon the mind of the Tribunal.

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COLONEL BALDWIN: I shall now state, then, that the extract which was just read was read solely for the purpose of indicating that at a certain period, namely June 1943, those conditions existed in Poland, as the result of statements by the Governor General of Poland.

Would that be satisfactory to the Tribunal?

THE TRIBUNAL (Mr. Biddle): Well, it was not satisfactory to the Tribunal if you didn't give us the purport of the document.

COLONEL BALDWIN: Well sir, I don't have the complete document infront of me now. Therefore, I can't read all of it.

THE PRESIDENT: No. Well, I don't care. What we would like would be, if possible, that when an extract is made from a document, counsel before presenting that extract should instruct themselves as to the general purport of the document so as to make certain that the part that is read is not misleading.

COLONEL BALDWIN: Yes, sir.

In order to illustrate how completely the Defendant Frank is identified with the policies whose execution is reported in this document, and how thoroughly they were his own policies, and this, if the Tribunal please, regardless of what remedies he may have had in 1943 --- it is proposed in this last section to take passages from Frank's own Diary in proof of his early espousal and execution of these self-same policies.

As to the insufficient nourishment of the Polish population, there was no need for the Defendant Frank to have waited until June 1943 to have reported this fact to Hitler. In September 1941, Defendant Frank's own Chief Medical Officer reported to him the appalling Polish health conditions. This appears in Frank's Diary and in our document 2233-PS-P, at page 46 in the document book, which I now offer in evidence as USA Exhibit 611. The German text is to be found in the 1941 Diary Volume at page 830.

I quote:

"Obermedizinalrat Dr. Walbaum expresses his opinion of the health condition of the Polish population. Investigations which were carried out by his department proved that the majority of Poles eat only about 600 calories, where the normal requirement for a human being is 2,200 calories. The Polish population was enfeebled to such an extent that it would fall an easy prey to

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spotted fever."

Parenthetically, I think we know that as typhus.

"The number of diseased Poles amounted today already to 40 per cent. During the last week alone, 1,000 new spotted fever cases have been officially recorded. That represented so far the maximum number. This health situation represented a serious danger for the Reich and for the soldiers who were coming into the Government General. A spreading of pestilence into the Reich is absolutely feasible. The increase in tuberculosis, too, was causing anxiety. If the food rations were to be diminished again, an enormous increase of the number of illnesses could be predicted."

While it was crystal-clear from this report that in September 1941 disease affected nearly 40 per cent of the Polish population, nevertheless the Defendant Frank approved in August 1942 a new plan which called for a much larger contribution of foodstuff to Germany at the expense of the non-German population of the General Government. Methods of meeting the new quotas out of the grossly inadequate rations of the General Government and the impact of the new quotas on the economy of the country were discussed at a cabinet meeting of the General Government on 24 August 1942 in terms which leave no possible doubt that not only was the proposed requisition beyond the resources of the country, but its force was to be distributed on a grossly discriminatory basis. This appears from Frank's Diary and in our document 2233-PS-E, which is at page 30 in the document book, which I now offer into evidence as USA Exhibit 283. The German text appears in the 1942 conference volume at the conference entry for 24 August 1942.

I quote the following extract:

"Before the German people," says Frank, "are to experience starvation, the occupied territories and their people shall be exposed to starvation. In this moment, therefore, we here in the General Government must also have the iron determination to help the Great German people, our Fatherland.

"The General Government, therefore, must do the following: The General Government has taken on the obligation to send 500,000 tons bread grains to the fatherland in addition to the foodstuffs already being delivered for the relief of Germany or consumed here by troops of the armed forces, Police, or SS.

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If you compare this with out contributions of last year you can see that this means a six-fold increase over that of last year's contribution of the General Gouvernement.

"The new demand will be fulfilled exclusively at the expense of the foreign population. It must be done cold-bloodedly and without pity..."

Defendant Frank was not only responsible for reducing the General Government to starvation level, but was proud of the contribution he thereby made to the Reich. I refer to a statement made to the political leaders of the NSDAP on 14 December 1942 at Cracow. It is contained in the Frank Diary and is our document 2233-PS-Z, at page 57 in the document book, and I now offer it in evidence as USA Exhibit 612. In the German text the extract appears in the 1942 Diary Volume, Part IV, at page 1331.

Dr. Frank is speaking:

"I will endeavor to get out of the reservoir of this territory everything that is yet to be got out of it..."

He continues:

"When you consider that it was possible for me to deliver to the Reich 600,000 tons of bread grain, and in addition to 180,000 tons to the Armed Forces stationed here; further an abundance amounting to many thousands of tons of other commodities such as seed, fats, vegetables, besides the delivery to the Reich of 300 million eggs, etc. -- you can estimate the significance this territory possesses for the Reich. In order to make clear to you the significance of the consignment from the General Government of 600,00 tons of bread grain, you are referred to the fact that the General Government by this achievement alone covers the raising of the bread ration in the Greater German Reich by two-thirds during the present rationing period. This enormous achievement can rightfully be claimed by us."

Now, as to the resettlement of Polish peasants which Defendant Frank mentions secondly in the Report to Hitler, although Himmler was given general authority in connection with the conspirators' project to resettle various districts in the conquered Eastern territories with racial Germans, the projects relating to resettling districts in the General Government

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were submitted to and approved by the Defendant Frank. The plan to resettle Zamosc and Lublin, for example, was reported to him at a meeting to discuss special problems of the District Lublin by his infamous State Secretary for Security, Higher SS and Police Leader Krueger, on 4 August 1942. It is contained in Frank's Diary and in our document 2233-PS-T, at page 51 in the document book, which I now offer in evidence as USA Exhibit 607. The German text appears in the 1942 Volume of the Diary, Part III, pages 830, 831, and 832.

I now quote from the report of the conference:

"State Secretary Krueger then continues, saying that the Reichsfuehrer's next immediate plan until the end of the following year would be to settle the following German racial groups in the two districts (Zamosc and Lublin): 1000 peasant settlements (1 settlement per family of about 6) for Bosnian Germans; 1,200 other kinds of settlements; 1,000 settlements for Bessarabian Germans; 200 for Serbian Germans; 2,000 for Leningrad Germans; 4,000 for Baltic Germans; 500 for Wolhynia Germans, and 200 settlements for Flemish, Danish and Dutch Germans, in all 10,000 settlements for 50,000 to 60,000 persons."

Upon hearing this, the Defendant Frank directed that -- and I quote:

"...the resettlement plan is to be discussed cooperatively by the competent authorities and declares his willingness to approve the final plan by the end of September after satisfactory arrangements had been made concerning all the questions appertaining thereto (in particular the guaranteeing of peace and order) so that by the middle of November, as the most favorable time, the resettlement can begin."

THE PRESIDENT: The Tribunal will adjourn now for ten minutes.

(Whereupon a recess was taken from 1130 to 1140 hours.)

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LT. COL. BALDWIN: May it please the Tribunal: The way in which the resettlement at Zamosc was carried out was descfibed to Defendant Frank by Krueger at a meeting at Warsaw on January 25, 1943. The report is contained in the Frank Diary and is our Document 2233-PS-AA, and appears at page 58 in the Document Book. I offer the original of it into evidence as USA Exhibit 613. The German text appears in the Labor Conference Volume for 1943, at pages 16, 17, and 19. Krueger in this excerpt reports that they had settled the first 4,000 in the Kreis Zamosc shortly before Christmas; that, understandably, friends were not made of the Poles in the resettlement program, and that the Poles were forced to be chased out. He then stated to Frank, and I quote:

"We are removing those who constitute a burden in this new colonization territory. Actually, they are the asocial andinferior elements. They are being deported, first brought to a concentration camp, and then sent as Labor to the Reich. From a Polish propaganda standpoint, this entire first action has an unfavorable effect. For the Poles say: "After the Jews have been destroyed, then they will employ the same methods to get the Poles out of this territory and liquidate them just like the Jews" End of quote.

Krueger went on to mention that there was a great deal of unrest in the territory as a result, and Frank informed him, that is, Krueger, that each individual case of resettlement would be discussed in the future exactly as that one of Zamosc had been.

Although the illegality of this dispossession of Poles to make room for Germans was evident, and although the fact that the Poles were not only being dispossessed but sent off to concentration camps, the resettlement projects continued in the General Government.

The third item mentioned by Frank -- the encroachments and confiscations of industry and private property -- was again an early Frank policy. He explained this to his department heads in December, 1939. The report is from his Diary and is our Document 2233-PS-K, and it appears at page 40 in the Document Book. I now offer it in evidence as

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USA Exhibit 173. The German text appears in the Department Heads Conference Volume for 1939-40 at the entry for 2 December 1939 at pages 2 and 3. Dr. Frank states:

"Principally it can be said regarding the administration of the General Government: This territory in its entirety is booty of the German Reich, and it thus cannot be permitted that this territory shall be explaited in its individual parts, but that the territory in its entirely shall be economically used and its entire economic worth redound to the benefit of the German people." End of quote.

Reference is made to USA Exhibit 297, if any further support of an early policy of ruthless exploitation is deemed necessary by the Tribunal. In addition, the decree permitting sequestration in the General Government heretofore pointed out to the Tribunal (Verordnungsblatt fue die General-gouvernement #6, 27 January 1940, page 23), which decree was signed by the Defendant Frank, permitted and empowered the Nazi officials to engage in wholesale seizure of property. This was made the easier by the undefined criteria of the decrees. The looting of the General Government under this and other decrees has already been presented to the Tribunal on 14 December 1945, under the subject heading "Germanization and Spoliation of Occupied Territories", and the Tribunal is respectfully referred to that portion of the record and, in particular, to that segment dealing with the General Government.

The Defendant Frank mentioned mass arrest and mass shootings and the application of collective responsibility as the fourth reason for the apparent deterioration of the attitude of the entire Polish people. In this, too, he is to blame, for it was no part of Defendant Frank's policy that reprisal should be commensurate with the gravity of the offense. He was, on the contrary, an advocate of the most drastic measures. At a conference of District Political Leaders at Cracow on 18 March 1942, Frank stated his policy. This extract is from the Diary, and is our Document 2233-PS-R, and will be found at page 49 in the Document Book. I offer it into evidence as USA Exhibit 608. The German text may be found in Diary Volume for 1942, Part I, pages 195 and 196. I quote Frank's statement:

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"Incidentally, the struggle for the achievement of our aims will be pursued cold-bloodedly. You see how the state agencies work. You see that we do not hesitate before anything, and stand whole dozens of people up against the wall. This is necessary because here simple consideration says that it cannot be our task at this period when the best German blood is being sacrificed to show regard for the blood of another race. For out of this one of the greatest dangers may arise. One already hears today in Germany that prisoners of war, for instance, with us in Bavaria or Thuringia are administering large estate entirely independently, while all the men in a village fit for service are at the front. If this state of

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affairs continues, then a gradual retrogression of Germanism will show itself. One should not underestimate this danger. Therefore, everything revealing itself as a Polish power of leadership must be destroyed again and again with ruthless energy. This does not have to be shouted abroad; it will happen silently." End of quote.

And on 15 January 1944, Defendant Frank assured the political leaders of the NSDAP that reprisals would be made for German deaths. These remarks are to be found in the Frank Diary, in our Document 2233-PS-BB, at page 60 in the Document Book, the second quote on that page, the original of which I offer into evidence as USA Exhibit 295. The German text appears in the looseleaf volume of the Diary covering the period from 1 January 1944 to 28 February 1944, and appears at page 13. Frank says quite simply:

"I have not been hesitant in declaring that when a German is shot, up to 100 Poles shall be shot, too." End of quote.

The whole tragic history of slave labor and recruitment of workers has been placed before this Tribunal in great detail. When the Defendant Frank refers to these methods as his fifth reason for disaffection in Poland in his report to Hitler, he once more cites policies which he executed. Force, violance, and economic duress were all supported by him as means for recruiting laborers for deportation to slavery in Germany. This was an announced policy, and I have already alluded to USA Exhibit 297, which contains verification of this fact.

While in the very beginning recruitment of laborers in the General Government may have been voluntary, these methods soon proved inadequate. In the Spring of 1940, the question of utilizing force came up and the matter was discussed in an official meeting at which the Defendant Seyss-Inquart was also present. I refer to the Frank Diary and our Document 2233-PS-N, which the Tribunal will find at page 43 in the Document Book. I offer the original in evidence as USA Exhibit 614. The German text appears in the Diary Volume for 1940, Part II, at page 333. I quote the conference report:

"The Governor General stated that the fact that all means in form of

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of proclamations, etc., did not bring success, leads to the conclusion that the Poles out of malevolence, and guided by the intention of harming Germany by not putting themselves at its disposal, refuse to enlist for working duty. Therefore, he asks Dr. Frauendorfer if there are any other measures not as yet employed to win the Poles on a voluntary basis.

"Reichshauptamtsleiter Dr. Frauendorfer answered the question negatively.

"The Governor General emphasized the fact that he will now be asked to take a definite attitude towards this question. Therefore, the question will arise whether any form of coercive measures should now be employed.

"The question put by the Governor General to SS Lieutenant General Krueger: does he see the possibilities of calling Polish workers by coercive means, is answered in the affirmative by SS Lieutenant General Krueger." End of quote:

In May 1940, at an official conference - and this record is already before the Tribunal as USA Exhibit 173 - Defendant Frank stated that compulsion in recuitment of labor could be exercised, that Poles could be snatched from the streets, and that the best method would be organized raids.

As in the case of persecution of the Jews, the forced labor program in the General Government is almost beyond belief. I refer to the Frank Diary and to our Document 2233-PS-W, which will be found at page 53 in the Document Book, the original of which I offer into evidence as USA Exhibit 607. This excerpt is a record, if the Court please, of a discussion between the Defendant Sauckel and the Defendant Frank at Cracow on 18 August 1942, and it appears in the Diary Volume for 1942, Part III, at page 918 and at page 920. Dr. Frank speaks:

"I am pleased to report to you officially, Party Comrade Sauckel, that we have up to now supplied 800,000 workers for the Reich".

He continues, "Recently you have requested us to supply them with a further 140,000. I have the pleasure in informing you officially that in accordance with our agreement of yesterday, 60 percent of the newly

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requested workers will be supplied to the Reich by the end of October and the balance of 40 percent by the end of the year."

Dr. Frank continues, "Beyond the present figure of 140,000 you can, however, next year reckon upon a higher number of workers from the General Government. For we shall employ the police to conscript them." End of quote.

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How this recruitment was carried out--by wild and ruthless manhunts --- is clearly shown in US Exhibit 178, which is in evidence before the Tribunal. Starvation, violence and death, which characterized the entire slave labor program of the conspirators, was thus faithfully reflected in the administration of the defendant Frank.

There were, of course, other grounds for uneasiness in Occupied Poland which the defendant Frank did not mention in his report to Hitler. He does not mention the concentration camps, perhaps because, as a representative jurist of National Socialism, the defendant Frank had himself defended the system in Germany. As Governor General, the defendant Frank must be held responsible for all concentration camps within the boundaries of the Government General. These include, among others, the notorious camp at Maidenek and the one at Lublin. As indicated previously, the defendant Frank knew and approved that Poles were taken to concentration camps in connection with resettlement projects. He had certain jurisdiction as well in relation to the extermination camp Auschwitz, to which Poles from the General Government were committed by his administration. In February 1944, Ambassador Counsellor Dr. Schumberg suggested a possible amnesty of Poles who had been taken to Auschwitz for trivial offenses and kept there for several months. This conference, if the Court please, is reported in the Frank diary and is contained in our document 2233-PS-BB, at page 60 of the document book. It is the third quote on that page. I offer the original in evidence as USA Exhibit 295.

THE PRESIDENT: Did you say Page 70?

LT.COL.BALDWIN: Page 60, Sir. The German text appears in the looseleaf volume covering the period 1 January 1944 to 28 February 1944 at the conference on 8 February 1944 on Page 7. I quote:

"The Governor General will take under consideration an amnesty probably for 1 May of this year. Nevertheless, one must not lose sight of the fact that the German leadership of the General Government must now now show any sign of weakness".

This, then, was, and is, the conspirator Frank. The evidence is by no means exhausted, but it is our belief that sufficient proof has been given to this Tribunal to establish his liability under Count I of the Indictment.

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As legal adviser of Hitler and the Leadership Corps of the NSDAP, defendant Frank promoted the conspirators' rise to power. In his various juridical capacities, both in the NSDAP and in the German government, defendant Frank advocated and promoted the political monopoly of the NSDAP, the racial program of the conspirators, and the terror system of the concentration camps and of arrest without warrant. His role early in the common plan was to realize "the National Socialist Program in the realm of law", and to give the outward form of legality to this program of terror, persecution and oppression which had as its ultimate purpose mobilization for aggressive war.

As a loyal adherent of Hitler and the NSDAP, defendant Frank was appointed Governor General in 1939 of that area of Poland known as the General Government. Defendant Frank had defined justice as that which benefitted the German nation. His five year administration of the General Government illustrates the most extreme extension of that principle.

It has been shown that defendant Frank took the office of Governor General under a program that constituted in itself a criminal plan or conspiracy, as defendant Frank well knew, to exploit the territory, ruthlessly, for the benefit of Nazi Germany, to conscript its nationals for labor in Germany, to close its schools and colleges, to prevent the rise of a Polish intelligentsia, and to administer the territory as a colonial possession of the Third Reich, in total disregard of the duties of an occupying power towards the inhabitants of occupied territory.

Under defendant Frank's administration, this criminal plan was consummated, but the execution went even beyond the plan. Food contributions to Germany increased to the point where the bare subsistence reserved for the General Government under the plan was reduced to a level of mass starvation. The savage program of exterminating Jews was relentlessly executed. Resettlement projects were carried out with reckless disregard of the rights of the local population. The terror of the concentration camp followed in the wake of the Nazi invaders.

This statement of evidence has been compiled in large part from statements by the defendant Frank himself, from the admission found in his diary, official reports, reports of conferences with his colleagues and subordinates, and his

speeches. It is, therefore, appropriate that a passage from his diary should be quoted in conclusion. It is our document 2233-PS-AA. It appears at Page 59 of the document book. I offer the original in evidence

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as USA Exhibit 613. The German text appears in the 1943 Volume of Labor Conference Meetings at the 25 January 1943 entry on Page 53. In this address, defendant Frank, prophetically enough, told his colleagues in the General Government that their task would grow more difficult. Hitler, he said, could only help them as a kind of administrative pillbox". They must depend on themselves.

"We are now duty bound to hold together" -- and I quote Frank. "We must remember that we who are gathered together here figure on Mr. Roosevelt's list of war criminals. I have the honor of being Number One. We have, so to speak, become accomplices in the world historic sense."

This concludes the presentation on the defendant Frank.

May it please the Tribunal, Lieutenant Colonel Griffith Jones of the British delegation will now deal with the individual responsibility of the defendant Streicher.

LIEUTENANT COLONEL GRIFFITH JONES: If the Tribunal please, it is my duty to present the case against the defendant Julius Streicher.

Appendix A of the Indictment, that paragraph of the Appendix relating to Streicher, sets out the positions which he held, and which I shall prove, and it then goes on to allege that he used thos positions and his personal influence and his close connection with the Fuehrer in such a manner that he promoted the acquisition to power of the Nazi conspirators and the consolidation of their control over Germany, as set forth in Count I of the Indictment; that he authorized, directed and participated in the crimes against humanity set forth in Count IV of the Indictment, including particularly the incitement of the persecution of the Jews, set forth in Count I and Count IV of the Indictment.

Milords, the case against this defendant can be, perhaps, described by the unofficial title that he assumed for himself as "Jew-baiter Number One." It is the Prosecution's case that for the course of some twentyfive years, this man educate the whole of the German people in hatred and that he incited them to the persecution and to the extermination of the Jewish race. He was an accessory to murder, perhaps on a

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scale never attained before.

With the Tribunal's permission, I propose to prove quite shortly the positions and influence that he held and then to refer the Tribunal to several short extracts from his newspapers, from his speeches, and to outline the part that he played in the particular persecutions that occurred against the Jews between the years 1933 and 1945.

Milord, perhaps before I start, I might say that the document book before the members of the Tribunal is arranged in the order in which I intend to refer to the documents. They are paged, and there is an index at the beginning of the book, and if the Tribunal have got what is called the Trial Brief, it is in effect a note of the evidence to which I shall refer, and again in the order in which I shall refer to it, which may be of some assistance.

Milord, this defendant was born in 1885. He became a school teacher in Nuremberg and formed a party of his own, which he called the German Socialist Party. The chief policy of that party, again, was anti-Semitism. In 1922 he handed over his party to Hitler, and there is a glowing account of his generosity which appears in Hitler's Mein Kampf, which I don't think it worth occupying the time of the Tribunal in reading. It appears as M-3, and is the first document in the Tribunal's document book. The copy of Mein Kampf is already before the Tribunal as GB 128.

The appointments that he held in the Party and State were few. From 1921 until 1945, he was a member of the Nazi Party. In 1925 he was appointed Gauleiter of Franconia, and he remained as such until about February of 1940, and from the time that the Nazi government came into power in 1933 until 1945 he was a member of the Reichstag. In addition to that, he held the title of Obergruppenfuehrer in the SA. All that information appears in PS 2975, which is already exhibited as US-9, and is the affidavit that he made himself.

The propaganda that he carried out throughout those years was chiefly done through the medium of his newspapers. He was the editor and publisher of that journal from 1922 until 1933, and thereafter, the

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publisher and owner of the paper.

In 1933 he also founded and thereafter, I think published - certainly was responsible for - the daily newspaper called the Fraenkische Tageszeitung.

There were, in addition to that and particularly later, several others, mostly local journals, that he published from Nurnberg.

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Those are the positions that he held, and now if I might, I shall quite briefly trace the course of his incitement and propaganda more or less in chronological order by referring the Tribunal to the short extracts. I would say this: These extracts are really selected at random. They are selected with a view to showing the Tribunal the various methods that he employed to incite the people against the Jewish race, but his newspapers are crowded with them, week after week, day after day. It is impossible to pick up any copy without finding the same kind of stuff in the headlines and in the articles.

If I might quote from four speeches and articles showing his early activities from 1922 to 1933 -- at Page 3 of the Tribunal's document book, M-11 -- that is an extract from a speech that he made in 1922 in Nurnberg, and, after abusing the Jews in the first paragraph -- I only refer to the last two lines:

"We know that Germany will be free when the Jew has been excluded from the life of the German people."

I pass to the next document, which is M-12, on Page 4. I ought to have given that up. The first document was GB-165. That is the book, I understand, that is being given that number, so that the next document, which is taken from the same book, will be the same. Perhaps I might be allowed to read that brief extract. It is an extract from a speech:

"I beg you and particularly those of you who carry the cross throughout the land to become somewhat more serious when I speak of the enemy of the German people, namely, the Jew. Not out of irresponsibility or for fun do I fight against the Jewish enemy, but because I bear within me the knowledge that the whole misfortune was brought to Germany by the Jews alone.

"I ask you once more, what is at stake today? The Jew seeks domination not only among the German people but among all peoples. The communists pave the way for him. Do you not know that the God of the Old Testament orders the Jews to consume and enslave the peoples of the earth?

"The government allows the Jew to to as he pleases. The people expects

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action to be taken. You may think about Adolf Hitler as you please, but one thing you must admit. He possessed the courage to attempt to free the German people from the Jew by a national revolution. That was action indeed."

The next short extract appearing on the next page is taken from a speech in April of 1925:

"You must realise that the Jew wants our people to perish. That is why you must join us and leave those who have brought you nothing but war, inflation and discord. For thousands of years the Jew has been destroying the nations."

I ask the Tribunal to note now these last few words:

"Let us make a new beginning today so that we can annihilate the Jews."

Milord, so far as I have been able to find, that is the earliest expression of annihilation of the Jewish race. Perhaps it gave birth to what was, fourteen years later, to become the official policy of the Nazi Government.

One further passage from this period. This is April 1932, M-14, taken from the same book. He starts by saying:

"For 13 years I have fought against Jewry."

I quote the last paragraph only:

"We know that the Jew whether he is baptized as a Protestant or as a Catholic, remains a Jew. Why cannot you realize, you Protestant clergymen, you Catholic priests, you who have scales before your eyes and serve the god of the Jews who is not the God of Love but the God of Hate. Why do you not listen to Christ, who said to the Jews: 'You are children of the devil'."

That, then, was the kind of performance he was putting up during those early years. When the Nazi Party came to power, they officially started their campaign against the Jews by the boycott of 1 April 1933. Now, of that boycott the Tribunal have already had evidence, and I would do no more now than to remind the Tribunal in a word what happened.

The boycott was agreed on and approved of by the whole government, as was shown in a document which is already before you, PS-2409, US 262, which

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was Goebbel's diary.

Streicher was appointed the chairman of the central committee for the organization of that boycott, which appears in document PS-2056, US 263. It was then said that he started his work on Wednesday, the 29th.

On that same day the central committee issued a proclamation in which it was said that the boycott would start at Saturday at 10:00 A.M. sharp. "Jewry will realize whom it has challenged." That short quotation appears in Document PS-3387, which is US 566, which is a volume. In actual fact, it is one of Der Sturmers which is already before the Court.

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I would refer the Tribunal to one short passage from a speech that the Defendant Streicher made on 30 March, the day before the boycott was due to start. I beg your pardon; it is an article in the Nationalsocialistische Partei Korrespondenz. It is PS-2153, and it appears on page 12 of the Tribunal's book, which becomes GB-166. There he writes, under the title, "Defeat the Enemy of the World!--by Julius Streicher, official leader of the central committee to combat the Jewish atrocity and boycott campaign."

"Jewry wanted this battle. It shall have it until it realizes that the Germany of the brown battalions is not a country of cowardice and surrender. Jewry will have to fight until we have won victory.

"National Socialists! Defeat the enemy of the world. Even if the world is full of devils, we shall succeed in the end."

As head of the central committee for that boycott, Streicher outlined in detail the organization of the boycott in orders which the committee published on the 31st of March 1933, which is the next document in the book, PS-2154, GB-167. I can summarize those.

The committee stressed that no violence is to be employed against the Jews on the occasion of that boycott, but not perhaps for humanitarian reasons; it is because, if there is no violence employed, then Jewish employers will have no grounds for discharging their employees without notice, and they will have no ground for refusing to pay them any wages.

The Jews were also reported apparently to be transferring businesses to German figureheads, in order to alleviate the results of this persecution, and the committee laid it down that any property so transferred was to be considered as Jewish for the purpose of the boycott.

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I don't think I need go into that any further. It does show that at that date he was taking a leading part, and a leading part as appointed by the Government, in the persecution against the Jews.

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I would now refer the court again to a few further extracts to show the form that this propaganda developed as the years went on. At page eighteen of the document book we have an article in the New Year's issue of a new paper that he had just founded. It was a semi-medical paper called "The People's Health Through Blood and Soil", edited by himself, and it is an example of the really remarkable lengths to which he went in putting over this propaganda against the Jews. I quote:

"It is established for all eternity: alien albumen is the sperm of a man of alien race. The male sperm in cohabitation is partially or completely absorbed by the female, and thus enters her blood-stream. One single cohabitation of a Jew with an Aryan woman is sufficient to poison her blood forever. Together with the alien albumen she has absorbed the alien soul. Never again will she be able to bear purely Aryan children, even when married to an Aryan. They will all be bastards, with a dual soul and a body of a mixed breed. Their children will also be crossbreeds; that means, ugly people of unsteady character and with a tendency to illnesses. Now we know why the Jew uses every artifice of seduction in order to ravish German girls at as early an age as possible; whythe Jewish doctor rapes his patients while they were under anaesthetic. He wants the German girl and the German woman to absorb the alien sperm of the Jew. She is never again to bear German children. But the blood products of all animals right down to the bacteria like the serum, lymph, extracts from internal organs etc. are all alien albumen. They have a poisonous effect if directly introduced into the blood stream either by vaccination or by injection. By these products of sick animals the blood is ravished, the Aryan is impregnated with an alien species. The author and abettor of such action is the Jew. He has been aware of the secrets of the race question for centuries, and therefore plans systematically the annihilation of the nations which are superior to him. Science and authorities are his instruments for the enforcing of pseudo-science and the concealment of truth."

That becomes, my Lord, G.B. 168.

The next document, also at the beginning of 1935, an extract from

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his own paper "Der Sturmer", entitled "The Chosen People of the Criminals" -- "and all the same, or, let us say, just because of this, the history book of the Jews, which is usually called the Holy Scriptures, impresses us as a horrible criminal romance, which makes the 150 penny-dreadfuls of the British Jew, Edgar Wallace, go green with envy. This 'holy' book abounds in murder, incest, fraud, theft and indecency."

In a speech on the 4th of October 1935 -- and the Tribunal will remember that that was the month after the Nurnberg Decrees had been made -- he made a speech which is reported in the Voelkischer Beobachter and is entitled in that newspaper "Safeguard of German Blood and German Honor." I read the report in that article:

"Gauleiter Streicher speaks at a German Labor Front mass demonstration for the Nurnberg laws." Then the first line of the actual article says that he spoke for the second time within a few weeks. I quote only the last two lines of that first large paragraph.

"We have therefore to unmask the Jew, and that is what I have been doing for the past fifteen years." That remark apparently was met with tempestuous applause. That becomes GB 169.

And, my Lord, I think it unnecessary to quote from the next document in the Tribunal's book. It is very much the same type of thing. On page twenty-two of the document book, M-7, there is a leading article by Streicher in his "Der Sturmer" of which I would refer only to the last half of the last paragraph where again he emphasizes the part that he himself has taken in this campaign.

"The Sturmer's fifteen years of work of enlightenment has already led an army of those who know -- millions strong -- to national socialism. The continued work of "The Sturmer" will help to ensure that every German down to the last man will, with heart and hand, join the ranks of those whose aim it is to crush the head of the serpent Pan-Juda beneath their heels. He who helps to bring this about helps to eliminate the devil, and this devil is the Jew."

That document becomes GB 170.

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The next document -- I only include it in the document book again to show the extraordinary length to which he went in his propaganda, and it consists of a photograph of the burning hull of the air-ship "Hindenburg" as it went on fire in June 1937 in America. Underneath it the caption includes the comment "The first radio picture from the United States of America shows quite clearly that a Jew stands behind the explosion of our airship Hindenburg. Nature has depicted clearly and quite correctly that devil in human guise."

Although it isn't at all clear from that photograph, I think the meaning of that comment is that the cloud of smoke in the air is in the shape of a Jewish face.

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On the next page, a speech he made in September 1937 at the opening of the bridge in Nurnberg. I would quote only the last paragraph on page twenty-four. The bridge in question is called the Wilhelm Gustloff bridge, and he says, "The man who murdered Wilhelm Gustloff had to come from the Jewish people, because the Jewish text books teach that every Jew has the right to kill a non-Jew, and, indeed, that it is pleasing to the Jewish God to kill as many non-Jews as possible.

"Look at the way the Jewish people have been following for thousands of years past; everywhere murder, everywhere mass murder. Neither must we forget that behind present-day wars there stands the Jewish financier who pursues his aims and interests. The Jew always lives on the blood of other nations; he needs such murder and such victims. For us who know, the murder of Wilhelm Gustloff is the same as ritual murder."

And then on the next page, "It is our duty to tell the children at school and the bigger ones what this memorial means."

I go to the next paragraph: "The Jew no longer shows himself among us openly as he used to. But it would be wrong to say that victory is ours. Full and final victory will have been achieved only when the whole world has been rid of Jews."

That becomes GB 171.

Now the next two documents in your document books are simply extracts from the correspondence columns of "Der Sturmer", showing again one of the methods he employed in this propaganda. I don't need to read them. The correspondence columns of all his issues are full of letters coming in from Germans saying that some German has been buying her shoes from a Jewish shop, and so on, and in that way assisting in the general boycott of the Jews. In other words, they really are a weekly column of libels against the Jews all over Germany.

I pass then to another and particular form of propaganda that he employed, and which he called, "Ritual Murder". The Tribunal may well remember that some years ago, I think it started in 1934, this "Der Sturmer" began publishing accounts of Jewish ritual murder which horrified the whole world to such an extent that even the Archbishop of Canterbury eventually wrote to the Times protesting, as indeed did people from every country in the world, protesting that any government should allow matter like this to be

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published in their national newspapers.

He takes his ritual murder, I understand, from a medieval belief that during their Eastertide celebrations the Jews were in the habit of murdering Christian children, and he lodges upon this and misrepresents this belief, this medieval belief, to show that not only did they do it in the Middle Ages, but that they are still doing it and still want to do it. And if I might just quote one or two passages from his newspaper and show one or two pictures which he published in connection with his campaign of ritual murder, it will illustrate to the Court the type of teaching and propaganda that he was putting up. On page twenty-nine of the Tribunal's document book, I will quote from the third but last paragraph.

"This the French front-line soldier should take with him to France: The German people have taken a new lease of life. They want peace, but if anyone tries to attack them, if anyone tries to torture them again, if anyone tries to push them back into the past, then the world would see another heroic epic; then heaven will decide where righteousness lies -- here, or where the Jew has the whiphand and where he instigates massacres, one could almost say the biggest ritual murders of all times. If the German people are to be slaughtered according to the Jewish rites, the whole world will be thus slaughtered at the same time."

And the last paragraph, "As you have drummed morning and evening prayers into your children's heads, so now drum this into their heads, so that the German people may gain the spiritual power to convince the rest of the world which the Jews desire to lead against us."

And on the following page of the document book there is a reproduction of a photograph taken from the "Der Sturmer" of April 1937, which illustrates three Jews ritually murdering a girl by cutting her throat and shows the blood pouring out into a bucket on the ground. The caption underneath that photograph is as follows: "Ritual murder at Polna. Ritual murder of Agnes Hruza by the Jews Hilsner, Erdmann, and Wassermann," taken from a contemporary postcard. That was GB -- I am afraid I have rather run away from --M-2, which appeared on page twenty-nine of the document book was GB 172, and the illustration on page thirty is U.S. 258. It is already in a copy of the "Der Sturmer", which has been put in.

There appears on the next page of the document book an extract from that same "Der Sturmer", April 1937. I will not read it now, because it has been put in, and that has all been read to the Court. It describes what happens when ritual murder takes place, and the blood is mixed with the bread and drunk by the Jews having their feast. The Tribunal will remember that during the feast the head of the family explains, "May all gentiles perish - as the child whose blood is contained in the bread and wine."

That is already U.S. 258, and it appears -- it has been read in the transcript at page 1437.

THE PRESIDENT: Would that be a good time to take off?

SIR GRIFFITH JONES: If my Lordship pleases.

(Whereupon at 1245 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours.)

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 10 January, 1946, 1400-1700 hours, Lord Justice Lawrence, presiding.

SIR GRIFFITH-JONES: May it please the Tribunal, if I might just refer to further copies of Der Sturmer on the subject of "ritual murder," the first of which appears on page 32 of the Document Book PS 2700. It is the copy in 260-US. It is an article in the "Der Sturmer" for July 1938.

"Whoever had the occasion to be an eye-witness during the slaughtering of animals or to see at least a truthful film on the slaughtering will never forget this horrible experience. It is atrocious. And unwillingly, he is reminded of the crimes which the Jews have committed for centuries on men. He will be reminded of the ritual murder. History points out hundreds of cases in which non-Jewish children were tortured to death. They also were given the same incision through the throat as is found on slaughtered animals. They also were slowly bled to death while fully conscious."

My Lord, on special occasions, or when he had some particular subject matter to put before the world, he was in the habit of issuing special editions of his newspaper "Der Sturmer." Ritual murder was such a special subject that he issued one of these special editions dealing solely with it. The Tribunal will have a photostatic copy of the complete issue for May 1939.

Now, I have not attempted to have translated all or indeed any of the articles which appear in that edition. It is perhaps sufficient to look at the pictures, the illustrations, and for me to read the captions which appear underneath the photo; and I regret the translations of the captions have not been attached to the Tribunal's copy but perhaps I may be permitted to refer to the pictures and read the captions for the Tribunal.

The pages are marked in red pencil on the righthand corner. On one I see a picture of a child having knives stuck into its side, blood spurting from it, and below the pedestal on which it stands, are five presumably dead children

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bleeding on the ground. The caption to that picture is as follows:

"In the year 1476 the Jews in Regensburg murdered six boys. They drew their blood and tortured them to death in an underground vault which belongs to the Jew Josfel. The judges found the body of the murdered boys; and blood stains are on an altar."

On the next page there are two pictures and the captions explain them. The one at the top lefthand corner:

"For the Jewish New Year celebrations in 1913, World Jewry published this picture. On the Jewish New Year and on the Day of Atonement the Jews slaughtered a so-called 'kapores' cock; that is to say, dead cock, whose blood and death is intended to purify the Jews. In 1913 the 'kapores' cock had the head of the Russian Czar Nicholas II. By publishing this postcard the Jews intended to say that Nicholas II would be their next purifying sacrifice. On the 6th of July 1918, the Czar was "murdered by the Jew Jurowsky and Goloschtschekin."

The picture at the bottom of the page, again, has the Jews holding a similar bird, "the 'kapores' cock which has the head of the Fuehrer. The Hebrew script says that one day Jews will kill all Hitlerites. Then they the Jews will be delivered from all misfortunes, but in due course the Jews will realize that they have reckoned without an Adolf Hitler."

The next page of the newspaper contains the pictures, reproductions of a lot of previous articles on ritual murder with a picture of the Defendant Julius Streicher at the top.

On the 4th page, a picture at the bottom of the righthand corner has the caption:

"At the Passover Meal. The wine and Matzoh, unleavened bread contains non-Jewish blood. The Jew prays before the meal. He prays for death to all non-Jews."

On the fifth page are reproductions from some of the European and American newspaper articles and letters which had been received by those newspapers during the course of the last years, in protest to this propaganda on the subject of ritual murder; and in the center of it you will see the letter

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from the Archbishop of Canterbury, written to the editor of the Times in protest.

On the next page, page six, is another ghastly picture of a man having his throat cut; again the usual spurt of blood falling into a basin on the floor, and the caption to that picture is as follows:

"The ritual murder of the boy Heinrich, in the year 1345; the Jews in Munich slaughtered a non-Jewish boy. The martyr was declared holy by the church."

On page 7 appears another photo-picture "The Holy Gabriel. This boy was crucified and tortured to death by the Jews in the year 1690. The blood was drawn off him."

I am sorry! The caption that I read then was in respect of the photograph on page 8 and not on page 7. The picture on page 7 is said to represent three ritual murders.

I think we can pass page nine and page ten.

On page 11 there is shown a piece of sculpture on the wall of the Wallfahrts Chapel, and it represents the ritual murder of a boy Werner. It is a somewhat disgusting picture of the boy strung up by his feet and being murdered by two Jews.

Page 12 reproduces another picture taken from the same place. The caption is:

"The embalmed body of Trient who was tortured to death by the Jews."

Page 13 has another picture; somebody else having a knife stuck into him, more blood coming out into a basin.

On page 14 are two pictures. The one at the top is said to be the ritual murder of the boy Andreas and the one at the bottom is the picture of a tombstone, the caption of which reads as follows:

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"The tombstone of Hilsner."

This is the memorial to a Jewish ritual murderer Leopold Hilsner. He was found guilty of two ritual murders and was condemned to death by hanging in two trials. The emporer was bribed and pardoned him. Masaryk, the friend of the Jews, liberated him from penal servitude in 1918. On his tombstone lying Jewry calls this twofold murderer an innocent victim."

The next page again produces the picture of a woman being murdered by having her throat cut in the same way; and perhaps I might refer to page 17, which produces a picture of the Archbishop of Canterbury and a picture of him of an old Jewish man, and the caption says:

"Dr. Lang, the Archbishop of Canterbury, the highest dignitary of the English Church and his allies, a typical example of the Jewish Race."

The last page, page 18 produces a picture called "Holy Simon who was tortured to death."

My Lord, it is my submission that that document is nothing but an incitement to the people of Germany who read it, an incitement to murder. It is filled with pictures of murder, murder alleged to be against the German people and is an encouragement to all who read if, and to avenge themselves in the same way. That document becomes GB-173.

DR. MARX: (Counsel for Defendant Streicher): The Defendant, Julius Streicher, called my attention this very moment to the fact that he has not been given the opportunity to prove from where these pictures, which have been referred to just now, have been taken from. It is, in the opinion of the Defense, necessary that the origin of these pictures should be clarified before the Tribunal, otherwise one could think that these pictures had been especially prepared for the "Die Sturmer" without any source. Streicher, however, points out that these pictures originate from recognized sources of history. I would therefore like to suggest that the Prosecution should submit all its material as to sources from the articles of the "Die Sturmer" which have been referred to. I think that these articles should prove the sources from which Streicher got these pictures.

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THE PRESIDENT: Do the articles show the sources? Do the articles themselves indicate the sources?

DR. MARX: Yes

THE PRESIDENT: According to Streicher?

DR. MARX: Yes.

SIR GRIFFITH-JONES: I should have said so. There wasn't any intention to misrepresent the matter, that these pictures are taken from original pictures. These were not invented by the newspaper and in some cases the sources are shown in the caption. This is a collection of medieval pictures and frescoes dealing with this matter. In actual fact the papers show in almost all cases where they come from.

DR. MARX: Thank you.

SIR GRIFFITH-JONES: I beg the Court's pardon. I have the actual facts, although they do show on the face of them the origin.

THE PRESIDENT: You already stated the alleged date of the pictures and, therefore, they are sketched with the origin.

SIR GRIFFITH-JONES: Yes, sir, I have.

THE PRESIDENT: What I said was, that you have already given us the dates of them which stated they were medieval.

SIR GRIFFITH-JONES. That is so. My Lord, in January 1938 -- and it will be remembered that in 1938 the persecution of the Jews became more and more severe -- in January 1938, for some reason or another, another special issue of the "Der Sturmer" was published. If the Tribunal would look at page 34 of their Document Book I will quote a short passage from the leading article in that part, an article written by the Defendant.

"The supreme aim and highest task of the state is therefore to conserve people, blood and race. But if this is the supreme task, any crime against this law must be punished with the supreme penalty. The Sturmer takes therefore the view that there are only two punishments for the crime of polluting the race:

"1. Penal servitude for life for attempted race pollution.

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"2. Death for committing race pollution."

And again, indeed, if it is now still necessary to show the type of paper this was, if the Tribunal will turn over to the next page you will see the headlines set out for some of the articles that are contained in that edition:

"Jewish race polluters at work."

The next one:

"Fifteen years old non-Jewess ravaged."

The next one:

"A dangerous race polluter. He regards German women as fair game for himself."

The next one:

"The Jewish sanatorium. A Jewish institution for the cultivation of race pollution."

The next one:

"Rape of a feeble-minded girl."

And lastly:

"The Jewish butler. He steals from his Jewish masters and commits race pollution."

That is already in or the copy of the paper is in as US-260.

On the next page of the Document Book, I will quote only the last two lines. It is an article appearing in "Der Sturmer," and it is trye that it is not an article actually written by the Defendant Streicher but by his editor, Karl Holz:

"The revenge will break loose one day and will exterminate Jewry from the surface of the earth."

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And again on page 37, in September 1938, the "Der Sturmer" has written an article in which the last two lines read as follows: This is a reference to the Jews:

"A parasite, an enemy, an evil-dooer, a disseminator of diseases who must be destroyed in the interest of mankind."

It is my submission to the Tribunal that this is no longer propaganda for the persecution of the Jews, this is propaganda for the extermination of Jews, for the murder not of one man but of millions.

The next document in Document Book, on page 38, has already been put in evidence and read to the Tribunal. It is US 260. It appears in the Document Book and was read into the transcript at page 1438. This is a short article appearing in December 1938, No. 50 of the "Der Sturmer."

I would draw the Tribunal's attention again to the next document which is a picture taken from that same copy. It shows the upper part of a girl's body being strangled by the arms of a man with his hands around her neck and the shadow of the man's face is shown against the background, quite obviously with Jewish features. The caption under that picture is as follows:

"Castration for Race Polluters.

"Only heavy penalties will preserve our womenfolk from a tighter grip from ghastly Jewish claws.

"The Jews are our misfortune."

I pause for the moment from the "Der Sturmer" to a particular incident that occurred, in which the Defendant Streicher took a leading part. It will be remembered that the organized demonstrations against the Jews took place the 9th and 10th of November 1938. All this propaganda, as I say, was becoming fiercer and more ferocious. In the autumn of that year the Defendant Streicher organized the breaking up of the Nurenberg synogugues on the occasion of a meeting of press representatives in Nurnberg. That incident has in fact been referred to previously in this case and the documents in connection with it are PS-1724, which was put in as US 266 and was referred to and read in the transcript at

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page 1443.

In that, Gauleiter Julius Streicher was personally to set the crane in motion with which the Jewish symbols will be torn down from the synagogue; and another document which was also put in, PS-2711, which became US 267, and was read in the transcript on page 1443 also. I quote two lines from it:

"***the Synagogue is being demolished! Julius Streicher himself inaugurates the work by a speech lasting more than an hour and a half. By his order. By his order then - so to speak as a prelude of the demolition - the tremendous Star of David came off the cupola."

The Defendant, of course, took active part in the November demonstration of that year. I do not suggest that he was responsible for the idea of them. The evidence against him is confined only to the part that he took in his Gau in Franconia.

On page 43 of the Document Book is an account of the Nurnberg demonstrations as they were reported in the Fraenkische Tageszeitung which, of course, was his paper, on the 11th of November. I quote:

"In Nurnberg and Furth it resulted in demonstrations by the crowd against the Jewish murders. These lasted until the early hours of the morning. Far too long had one watched the activities of the Jews in Germany.

And then I go to the last three lines of that paragraph:

"After midnight the excitement of the populace reached its peak and a large crowd marched to the synagogues in Nurenberg and Furth and burned these two Jewish buildings, where the murder of Germans had been preached.

"The fire-brigades, which had been notified immediately, saw to it that the fire was continued to the original outbreak. The windows of the Jewish shopkeepers, who still had not given up hope of selling their junk to the stupid Goims, were smashed. Thanks to the disciplined behaviour of the SA men and the police, who had rushed to the scene, there was no plundering."

That becomes GB-174.

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The following document in the document book is the report of Streicher's speech on the 10th of November, the day of the demonstration. I will quote two paragraphs from that page, or rather, starting in the middle of the first paragraph:

"From the cradle, the Jew is not being taught, like we are, such texts as, 'Though shalt love thy neighbor as thyself', or 'If you are smitten on the left cheek, offer then your right one'. No, he is told: 'With the non-Jew you can do whatever you like.' He is even taught that the slaughtering of a non-Jew is an act pleasing to God. For 20 years we have been writing about this in the 'Steurmer', for 20 years we have been preaching it throughout the world and we have made millions recognize the truth."

I go to the last paragraph:

"The Jew slaughtered in one night 75,000 people; when he emigrated to Egypt he killed all the first-born, i.e. a whole future generation of Egyptians. What would have happened if the Jew had succeeded in driving the nations into war against us, and if we had lost the war? The Jew protected by foreign bayonets, would have fallen on us and would have slaughtered and murdered us. Never forget what history has taught us."

My Lord, after the November demonstrations, irregularities occurred in the Gau of Franconia in connection with the organized Aryanization of Jewish property. Aryanization of Jewish property was, of course, regulated by the State, and under a decree it had been laid down that the proceeds or any proceeds that there might be from taking over Jewish properties and giving them to Aryans, all such proceeds were to go to the State. What apparently happened in Franconia was that a good deal of the proceeds never found their way as far as the State, and as a result Goering set up a commission to

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investigate what had taken place. We have the report of that commission, and I would refer the Tribunal to certain short passages in it. On page 45, we see from that report exactly what had been taking place in this Defendant Streicher's Gau. I quote from under the words "the 9th and 10th November, 1938", or perhaps from the paragraph before that, opposite of where it says "page 13": --

DR. HANS MARK (Counsel for Defendant Streicher): I am Dr. Marx, Counsel for Julius Streicher. The prosecutor intends to refer as proof of irregularities which -- well, as far as Aryanization of shops in Nurnberg is concerned -- he wants to refer for that purpose to a book which the Deputy Gauleiter Holz, in his examination, has given to the prosecution. I would like to protest against the use of this report. Between Streicher and his Deputy Gauleiter Holz there existed a considerable difference of opinion, if not enmity. His Deputy Gauleiter Holz was exactly the person because of whom these measures were taken. It is not at all proof that Streicher had anything to do with these measures. It is rather to be assumed that Holz, in order to cover himself, has made statements here which he himself couldn't stand for if he would appear as a witness here today. Therefore, it is here with this report a question of statements of a men who was involved in this matter, a man who participated in these deeds, and of a man who was an enemy of Streicher, the defendant. Holz incriminated Streicher on account of the fact that Streicher didn't cover him up as against the commission which had been instituted by Goering at the time. Therefore I do not think that this report should and could be used.

THE PRESIDENT: Have you said what you wished to say?

DR. MARX: Yes, sir.

THE PRESIDENT: The Tribunal considers that this document, being an official document, is admissible under Article 21, and that the objections which you have made to it are not objections which go to its admissibility as evidence, but go to its weight; and as to that, you will have an opportunity to develop your objections at a later stage when you come to speak. The Tribunal rules that the document is admissible.

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LT. COL. GRIFFITH-JONES: My Lord, I read from the center of that page 45 of the document book:

"Following upon the November demonstrations, the Deputy Gauleader Holz, took up the Jewish questions . His reasons can be given here in detail on the basis of his statement of the 25th of March, 1939:

"The 9th and 10th of November, 1938.

"In the night of the 9th and 10th November and on the 10th of November, 1938, events took place throughout Germany which I" -- and I emphasize that that is Holz speaking -- "considered to be the signal for a completely different treatment of the Jewish question in Germany. Synagogues and Jewish schools were burnt down and Jewish property was smashed both in shops and in private houses. Besides this, a large number of particular Jews were taken to concentration camps by the police. Towards midday we discussed these events in the Gauleiter's house. All of us were of the opinion that we now faced a completely new state of affairs on the Jewish question. By the great action against the Jews, carried out in the night and morning of the 10th of November, all guiding principles and all laws on the subject had been made illusory. We were of the opinion (particularly myself) that we should now act on our own initiative in this respect. I proposed to the Gauleiter that in view of the great existing lack of housing, the best thing would be to put the Jews into a kind of internment camp. Then the houses would become free in a twinkling, and the housing shortage would be relieved, at least in part. Besides that, we would have the Jews under control and supervision. I added 'The same thing happened to our prisoners of war and war internees.' The Gauleiter said that this suggestion was for the time being impossible to carry out. Thereupon I made a new proposal to him. I said to him that I considered it unthinkable that, after the Jews had had their property smashed, they should continue to be able to own houses and land. I proposed that these houses and this land ought to be taken away from them, and declared myself ready to carry through such an action. I declared that by the Aryanization of Jewish land and houses a large sum could accrue to the Gau out of the proceeds. I named some million of marks. I stated that, in my opinion,

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this Aryanization could be carried out as legally as the Aryanization of shops. The Gauleiter's answer was something to this effect: 'If you think you can carry this out, do so. The sum gained will then be used to build a Gau school.'"

I go down now to opposite whereit says "Page 18":

"The Aryanization was accomplished by the alienation of properties, the surrender of claims, especially mortgage claims, and reductions in buying price.

"The payment allowed the Jews was basically 10% of the nominal value or nominal sum of the claim. As a justification for these low prices, Holz claimed at the Berlin meeting of the 6th of February, 1939, that the Jews had mostly bought their property during the inflation period for a tenth of its value. As has been shown by investigating a large number of individual cases selected at random, this claim is not true."

My Lord, I would turn to page 48 of the document book, to the second part of this report, and that part of the report is really the part containing the findings of the commission. I quote from the top of the page, page 48 of the document book.

THE PRESIDENT: Is this still part of the report?

LT. COL. GRIFFITH-JONES: This is still part of the report. It is, in fact, the findings of the commission.

"Gauleiter Streicher likes to beat people with a riding whip but only if he is in the company of several persons assisting him. Usually the beatings are carried out with sadistic brutality.

"The best known case is that of Steinruck whom he beat bloodily in the prison cell, together with Deputy Gauleiter Holz and SA Brigadier General Koenig. After returning from this scene to the 'Deutscher Hof' he said: 'Now I am relieved. I needed that again!' Later he also stated several times that he needed another Steinruck case in order to 'relieve' himself.

"In August 1938, he beat Editor Burker at the District House together with District Office Leader Schoeller and his Adjutant, Koenig.

"On the 2nd of December 1938 he asked to have three youthful criminals

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(15 to 17 years old) who had been arrested for robbery brought to the room of the director of the Criminal Police Office in Nurnberg-Furth. Streicher, who was accompanied by his son, Lothar, had the youths brought in singly and question them about their sex life and in particular, through clear and detailed questioning, he laid stress on determining whether and since when they masturbated."

THE PRESIDENT: Is it necessary to go into it?

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LT. COL. GRIFFITH-JONES: I quote the last two lines of that paragraph.

"The last one of these three boys he beat with his riding whip, with blows on the head and on the rest of the body."

To show the authority and power that he held in his Gau, I refer to the last paragraph on that page.

"According to reports of reliable witnesses, Gauleiter Streicher is in the habit of pointing out on the most varied occasions that he alone gives orders in the district of Franconia. For instance, at a meeting in the Colosseum in Nurnberg in 1935 he said that nobody could remove him from office. In a meeting at Herkules Hall, where he described how he had beaten Professor Steinruck, he emphasized that he would not let himself be beaten by anybody, not even by an Adolf Hitler.

"For, this also must be stated here, in Franconia the Gau acts first and then orders the absolutely powerless authorities to approve."

My Lord, both of those volumes of that report will become GB-175.

THE PRESIDENT: The Tribunal isn't altogether satisfied that that has any bearing on the case Streicher.

LT. COL. GRIFFITH-JONES: My Lord, it is the object of that document to show the kind of treatment and persecution which the Jews were receiving in the district or Gau over which this Defendant ruled; and secondly to show the absolute authority with which this Defendant acted in his district. That is the purpose of that document.

As a result, either of that investigation or of some other matter, the Defendant was relieved of his position as Gauleiter in February, 1940, but he did not cease from his propaganda or from the control of his newspaper. I would only quote one further short

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extract from the "Steurmer," an article written by him on the 4th of November, 1943, which appears in the document book on page 53, is PS-1965, and becomes GB-176, and it is an extract of importance.

"It is really the truth that the Jews, so to speak, have disappeared from Europe and that the Jewish reservoir of the East, from which the Jewish plague has for centuries beset the peoples of Europe, has ceased to exist. However, the Fuehrer of the German people at the beginning of the war prophesied what has now come to pass."

My Lord, that article was signed by Streicher, and it is my submission that it shows that he had knowledge of what was going on in the East, of which this Court has had such evidence. That was written November, 1943. In April '43, the Tribunal will remember, the Warsaw ghetto was destroyed. Between April 1942 and April 1944 1,700,000 odd Jews were killed in Auschwitz and Dachau. I quote now from the transcript and it is my submission that that article, appearing on the 4th of November and signed by him, shows that he knew what was happening, perhaps not the details, but he knew that the Jews were being exterminated.

I leave the "Der Stuermer" and I would draw the attention of the Tribunal quite shortly to a matter which is perhaps as evil as any other aspect of this man's activity, and that is the particular attention that he paid to the instruction, if you can call it that, or the perversion of the children and the youth of Germany. He was not content with inciting the German population. He seized the children as early as he could at their schools, and he started to poison their minds at the earliest possible date. In some of the extracts to which I have already referred, the Tribunal will remember that there are mentions of children and the need for teaching them anti-Semitism. I refer now to page 54 of the document book, and I would quote four or five lines from the last paragraph,

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starting in the middle of the last paragraph. It is a report of a speech by Streicher as early as June, 1925, when he says:

"I repeat, we demand the transformation of the school into a national German institution of education. If we let German children be taught by German teachers, then we shall have laid the foundations for the national German school. This national German school must teach racial doctrine."

I now go to the last line of the first paragraph on the following page.

"We demand, therefore, the introduction of racial doctrine into the school."

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That is in a copy of "Der Stuermer", which has already been put in. It is GB 165.

The following document is an extract from the "Fraenkische Tageszeitung" of the 19th of March 1934, when he addressed a girl's school at Preisslerstrasse after their finishing their vocational course. He was continually holding children's meetings and attending children's schools. I quote the third paragraph:

"Then Julius Streicher spoke about his life and told them about a girl who at one time went to his school and who fell for a Jew and was finished for the rest of her life".

"I needn't read the rest. It is all in the same tone. I read the last paragraph only. I think I can omit the whole of the rest of that. That becomes GB 177.

Every summer they celebrated in Nuernberg what they called their youth celebration, some pagan rite where the youth of Nuernberg were rallied, organized, or at least encouraged by the defendant Streicher.

On Page 58 of the document book is a report taken from his paper, "Fraenkische Tageszeitung", of his speech to the Hitler Youth on what they called the "Holy Mountain" near Nuernberg, on the 22nd of June 1935.

"Boys and girls, look back to a little more than ten years ago. A great war---the World War---had whirled over the peoples of the earth and had left in the end a heap of ruins. Only one people remained victorious in this dreadful war, a people of whom Christ said its father is the devil. That people had ruined the German nation in body and soul. Then Adolf Hitler, unknown to anybody, arose from among the people and became the voice which called to a holy war and battle. He cried to the people for everybody to take courage again and to rise and get a helping hand to take the devil from the German people, so that the human race might be free again from these people that have wandered about the world for centuries and millenia, marked with the sign of Cain.

"Boys and girls, even if they say that the Jews were once the chosen people, do not believe it, but believe us when we say that the Jews are not a chosen people. Because it cannot be that a chosen people should act among

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the peoples as the Jews do today".

And so on, with similar kind of propaganda. That document will be GB-178.

The next document from which I will not read now, the Tribunal will see that it was a report of Streicher's address to 2,000 children at Nuernberg at Christmas-time, 1936. Underlined it says "Do you know who the Devil is", he asked his breathlessly listening audience. "The Jew, the Jew", resounded from a thousand children's voices."

But he wasn't content only with writing and talking. I beg your pardon, that becomes GB-179. He was not content with talking and meeting them and writing. He actually issued a book for teachers, a book which he published from his "Der Stuermer" offices, called "The Jewish question and school instruction".

I have not had the whole of that book translated. It is addressed to school teachers. It is intended for their benefit, and it emphasizes the necessity of anti-Semitic teaching in schools, and it suggests ways in which the subject can be introduced and handled.

On Page 60 of the document book the Tribunal will see a few extracts which have been taken from that book. The preface part of it is as follows:

"The national socialist state brought fundamental changes into all spheres of life of the German people.

"It has also presented the German teacher with some new tasks. The national scoialist state demands that its teachers instruct German children in social questions. As far as the German people is concerned the racial question is a Jewish question. Those who want to teach the child all about the Jew must themselves have a thorough knowledge of the subject."

I will quote from the paragraph opposite Page 5 in the margin. The whole of the rest of the extracts are really suggestions for teachers as to how to introduce the Jewish subject into their teaching, and at Page 5, the introduction:

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"Racial and Jewish questions are the fundamental problems of the national socialist ideology. The solution of these problems will secure the existence of National Socialism and with this the existence of our nation for all time. The enormous significance of the racial question is recognized almost without exception today by all the German people. In order to attain this recognition, our people had to travel through a long road of suffering."

DR. MARX: (Counsel for Streicher): I would like to point out the following: The prosecutor omitted in his presentation that the book he just referred to, that this book was not written by Streicher, the defendant, but by Mr. Fink. If the prosecutor would have read the next sentence in that case the Tribunal would have known about this point. My client has called my attention to this point. I myself notice it also because the following sentence reads as follows:

"Schulrat Fritz Fink wants to help the German teachers with his book in giving instruction in schools." It is perfectly clear that Fink is the author of the book.

This is definitely of importance, that not Streicher but Fink was the author of this little booklet.

THE PRESIDENT: Have you finished what you wish to say?

DR. MARX: Yes, sir, I have finished what I wanted to say.

THE PRESIDENT: I would point out to you that although the book does appear to have written by Fritz Fink, which is stated in the paragraph at the top, it has a preface by Streicher, so we may presume that Streicher authorized it; and it was published and printed by "Der Stuermer."

DR. MARX: That is correct. May I add something? I just wanted to call the attention of the Tribunal to the fact that it is not understandable that just that particular sentence was not read. One could be of the opinion that this was an original work of Streicher, which case the question of whether Streicher agreed with that work would appear of minor importance.

THE PRESIDENT: But you see, Dr. Marx, that counsel was reading actually from the preface by Streicher. That is the

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last passage that he read, or almost the last, was the preface by Streicher. The last passage I have got marked is the passage on page 60, which is headed "Preface", and is signed by Julius Streicher, which says in terms that the book was written by School Inspector Fritz Fink.

Let's not take any further time about it.

SIR GRIFFITH JONES: I think I have reached --

THE PRESIDENT: Will you read the last words of that preface on page 60 there "Those who take to heart"?

SIR GRIFFITH JONES: Your Lordship, if you please, I read towards the end of the paragraph, the first paragraph of the preface:

"Those who take to heart all that has been written with such feeling by Fritz Fink, who for many years has been greatly concerned about the German people, will be grateful fo the creator of this outwardly insignificant publication." Then it is signed by Julius Streicher, City of the Reich Party Rallies, Nuernberg, in the year 1937.

I only omitted that last part in the interest of time.

THE PRESIDENT: Yes.

SIR GRIFFITH JONES: That book is GB-180. I would just read the last two lines, which I wasn't able to read before Dr. Marx interposed. The last three lines of the paragraph under "Introduction:"

"No one should be allowed to grow up in the midst of our people without this knowledge of the monstrous character and dangerousness of the Jew."

I will not occupy the time of the Tribunal by reading further from that book. The nature of the book I hope is clear. I would only refer to the last three lines on the next page in the document book, taking another extract from it:

"One who has reached this stage of understanding will inevitably remain an enemy of the Jews all his life and will instil this hatred into his own children."

The "Stuermer" did publish also some children's books, although I make it quite clear that I am not alleging that the defendant himself

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wrote the books. But they were published from his publishing business, and they are of course on the same line of everything else that was published and issued from that business.

The first of them to which I would call attention was entitled in English, or the English translation, is as follows: "Don't trust the fox in the green meadow nor the Jew on his oath." It is a picture book for children. There are pictures, all of them offensive pictures depicting Jews, of which a variety of selections appears in the Tribunal's book which follows. And opposite each picture there is a little story.

On Page 62 of the document book the Tribunal will see the kind of thing which appears opposite each picture. On Page 6 of the book we find, opposite the first picture in the Tribunal's document book, a very unpleasant-looking Jew butcher cutting up some meat:

"Jesus Christ says, 'The Jew is a murderer through and through.' And when Christ had to die the Lord didn't know any other people who would have tortured him to death, so he chose the Jews. That is why the Jews pride themselves on being the chosen people."

I beg your pardon. I was wrong in saying it occurred opposite the first picture. That is another extract from the book. The writing opposite the first picture is as follows:

"The Jewish butcher: He sells half refuse instead of meat. A piece of meat lies on the floor, the cat claws another. This doesn't worry the Jewish butcher since the meat increases in weight. Besides, one mustn't forget, he won't have to eat it himself."

Well, again in the interest of time, it isn't perhaps worth quoting the contents of that book any further. The Tribunal can see the type of book it is, the type of teaching it was instilling into the minds of the children. The pictures speak for themselves.

The second picture is a rather beastly picture of a girl being led away by a Jew. On the next page we see the defendant smiling benignly at a children's party, greeting the little children. The next picture depicts copies of "Der Stuermer" posted on a wall with children looking at them.

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The next picture perhaps requires a little explanation. It is a picture of Jewish children being taken away from an Aryan school, led away by a very unpleasant looking father, presumably, and all the Aryan children shouting and dancing and enjoying the fun very much.

That book becomes GB-181.

THE PRESIDENT: You won't be able, will you, to finish in a short time? Perhaps we'd better adjourne now.

SIR GRIFFITH JONES: I have about another 20 minutes.

THE PRESIDENT: Oh, yes, we will adjourn now.

(A recess was taken from 1520 to 1530 hours)

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SIR GRIFFITH JONES: My Lords, I had finished describing that one children's book. There is a similar book called "The Poisonous Fungus," which has, in fact, been put in evidence already. It is a book very much the same in character and appearance and is numbered US 257. It was put in evidence, but it was not read to the Tribunal, and I would like to read one of the short stories from that book because it shows, perhaps, more strikingly, I think, than any other extract to which we have referred, the revolting way in which this man poisoned the minds of his listeners and readers.

It is a book of pictures, again, with short stories, and page 69 of the Document Book shows one of the pictures, a girl sitting in a Jewish doctor's waiting room.

My Lord, it is not a very pleasant story, but he is not a very pleasant man, and it is only by reading these things that it becomes possible to believe the kind of education that the German children have been receiving over these years, headed by this man.

I quote from the story:

"Inge"---that is the girl--"Inge sits in the reception room of the Jew doctor. She has to wait a long time. She looks through the journals which are on the table. But she is much too nervous to read even a few sentences. Again and again she remembers the talk with her mother. And again and again her mind reflects on the warnings of her leader of the League of German girls. 'A German must not consult a Jew doctor. And particularly not a German girl! Many a girl that went to a Jew doctor to be cured, found disease and disgrace!'

"When Inge had entered the waiting room, she experienced an extraordinary incident. From the doctor's consulting room she could hear the sound of crying. She heard the voice of a young girl: 'Doctor, doctor, leave me alone!'

"Then she heard the scornful laughing of a man. And then, all of a sudden, it became absolutely silent. Inge had listened breathlessly.

"'What may be the meaning of all this?' she asked herself, and her

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heart was pounding. And again she thought of the warning of her leader in the League of German Girls.

"Inge was already waiting for an hour. Again she takes the journals in an endeavor to read. Then the door opens. Inge looks up. The Jew appears. She screams. In terror she drops the paper. Horrified she jumps up. Her eyes stare into the face of the Jewish doctor. And this face is the face of the devil. In the middle of this devil's face is a huge crooked nose. Behind the spectacles two criminal eyes. And the thick lips are grinning, a grinning that expresses: 'Now I got you at last, you little German girl!'

"And then the Jew approaches her. His fleshy fingers stretch out after her. But now Inge has composed herself. Before the Jew can grab hold of her, she smacks the fat face of the Jew doctor with her hand. One jump to the door. Breathlessly Inge runs down the stairs. Breathlessly she escapes the Jew house."

Comment is almost unnecessary on a story like that, read by children of the age which are going to read the books you have seen.

Another picture which I have included in the book is a picture, of course, of the Defendant, with his youthful admirers standing around looking at it, and the script opposite that picture, which appears on page 70 of the document book, includes the words, and I quote from the one but last paragraph, "Without a solution of the Jewish question there will be no salvation for mankind."

The actual page is an account of how some boys attended one of his speeches:

"That is what he shouted to us. All of us could understand him. And when, at the end, he shouted 'Sieg-Heil' for the Fuehrer, we all acclaimed him with tremendous enthusiasm. For two hours Streicher spoke at that occasion. To us it appeared to have been but a few minutes."

One can begin to see the effect that all this was having from the columns of Der Sturmer itself. In April 1936 there appears only one letter from many, many others that appear in other copies from children

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of all ages. I quote the third paragraph of this letter, the letter signed by the boys and girls of the National Socialist Youth Hostel at Grossmuellen:

"Today we saw a play on how the devil persuades the Jew to shoot a conscientious National Socialist. In the course of the play the Jew did it too. We all heard the shot. We would have all liked to jump up and arrest the Jew. But then the policeman came and after a short struggle took the Jew along. You can imagine, dear Sturmer, that we heartily cheered the policeman. In the whole play not one name was mentioned, but we all knew that this play represented the murder by the Jew Frankfurter. We were very sick when we went to bed that night. None felt like talking to the others. This play made it clear to us how the Jew sets to work."

My Lord, that is already in, as I have stated. It is GB-170.

To conclude, I would only draw the attention of the Tribunal again to his authority as a Gauleiter. It appears in the Organization Book of the NSDAP for 1938 -- which is already in as an exhibit, US 430 -- in speaking of or describing the duties and authority of Gauleiters: The Gauleiter bears overall responsibility for the Fuehrer for the sector of sovereignty entrusted to him. The rights, duties and jurisdiction

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of the Gauleiter result primarily from the mission assigned by the Fuehrer and, apart from that, from detailed direction.

His assocation with the Fuerher and with the other Defendants -- or some of the other Defendants-- again can be seen from the newspapers. On the occasion of his 50th birthday, Hitler paid a visit to Nurnberg to congratulate him. That was on the 13th of February, 1934. The account of that meeting is published in the "Voelkischer Beobachter" of that date, and I quote as follows:

"Adolf Hitler spoke to his old comrades in battle and to his followers in words which went straight to their hearts. By way of introduction he remarked that it was a special pleasure to be pre sent for a short while in Nurnberg, the town of the National-Socialist community which had been steeled in battle, at this day of honor of Julius Streicher, and to be within the circle of the standard bearers of the National-Socialist idea during many years.

"Just as they all of them had during the years of oppression unshakeably believed in the victory of the movement, so his friend and comrade in the battle, Streicher, had stood faithfully at his side at all times. It had been this unshakeable belief that had moved mountains.

"For Streicher it would surely be a solemn thought, that this 50th anniversary meant not only the half-way point of a century, but also of a thousand years of German history to him. He had in Streicher a companion of whom he could say that here in Nurnberg was a man who would never waver for a single second and who would unflinchingly stand behind him in every situation."

That becomes GB 182.

The next document is a letter from Himmler published in Der Sturmer of April 1937, which is already US 258, the copy of the paper:

"If in future years the history of the reawakening of the German people is written, and if already the next generation will be unable to understand that the German people was once friendly to the Jews, it will be stated that Julius Streicher and his weekly paper Der Sturmer have contributed a great deal towards the enlightenment regarding the enemy of humanity."

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Signed: "For the Reichsfurhrer SS, Himmler."

That becomes, I am told, US 260. A lot of these documents are already in the bound volumes.

Lastly, we have a letter from Baldur von Schirach, the Reich Youth Leader, published in Der Sturmer of January 1938:

"It is the historical merit of the Sturmer to have enlightened the broad masses of our people in a popular way as to the Jewish world danger. The Sturmer is right in refusing to fulfil its task in the tone of the aesthetic drawing room. Jewry has shown no regard for the German people. We have, therefore, no cause to be considerate and to spare our worst enemy. What we fail to do today our youngsters of tomorrow will have to suffer for bitterly."

My Lord, it may be that this Defendant is less directly involved in the physical commission of the crimes against Jews, of which this Tribunal has heard, than some of his co-conspirators. The submission of the Prosecution is that his crime is no less the worse for that reason. And no government in the world, before the Nazis came to power, could have embarked upon and put into effect a policy of mass extermination in the way in which they did, without having a people who would back them and support them, and without having a large number of people, men and women, who were prepared to put their hands to their bloody murder. And not even, perhaps, the German people of previous generations would have lent themselves to the crimes about which this Tribunal has heard, the killing of millions and millions of men and women.

It was to the task of educating their people, of producing murderers, educating and poisoning them with hate, that Streicher set himself; and for 25 years he has continued unrelentingly the education--if you can call it so--or the perversion of the people and of the youth of Germany. He has gone on an on, as he saw the results of his work bearing fruit.

In the early days he was preaching persecution. As they took place he preached extermination and annihilation; and, as we have seen in the Ghettos of the East, as millions of Jews were being exterminated and annihilated, he cried out for more and more.

That is the crime that he has committed, in the submission of the Prosecution, that he made these things possible, made these crimes possible, which they would never have been had it not been for him and for those like like him. And he led the propaganda and the execution of the German people

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in those words. Without him the Kaltenbrunners, the Himmlers, the General Strupps would have had nobody to do their orders. And, as we have seen, he has concentrated upon the youth and the childhood of Germany. In its extent his crime is probably greater and more far-reaching than that of any of the other defendants. The misery that they caused finished with their incarceration. The effects of this

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man's crime, of the poison that he has put into the minds of millions and millions of young boys and girls, and young men and women now, goes on. He leaves behind him a legacy of almost a whole people poisoned with hate, sadism, and murder, and perverted by him. That people remain a problem and perhaps a menace to the rest of civilization for generations to come.

My Lord, the submission of the Prosecution's case against this man as set out in the indictment is proved.

My Lord, Lieutenant Brady Bryson, of the United States Delegation, will present to the Court the case against Schacht.

LIEUTENANT BRADY BRYSON: May it please the Tribunal, a document book has been prepared and filed and the appropriate numbers of copies has been delivered to the Defendants.

We ask the Tribunal's permission to file, within the next few days, a trial brief, which now is in the process of preparation.

Our proof against the Defendant Schacht is confined to planning and preparation of aggressive war.

THE PRESIDENT: What was it you said about the trial brief?

LIEUTENANT BRYSON: We ask permission to file a trial brief within the next few days, as our brief is not yet ready.

THE PRESIDENT: I see.

LIEUTENANT BRYSON: Our proof against the Defendant Schacht is limited to planning and preparation for aggressive war, and to membership in a conspiracy for aggressive war.

The extent of Schacht's criminal responsibility as a matter of law, under the Charter of the Tribunal, will be developed in our brief. Only a few of our 50 odd documents have been previously submitted in evidence. We have taken special pains to avoid repetition and cumulative proof, but for the sake of continuity we would like, in several instances, simply to draw the Tribunal's attention to evidence previously received, with an appropriate reference to the transcript of the record.

Before commencing our proof, we wish to state our understanding that the Defendant Schacht's control over the Germany economy was on the wane

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after November 1937, and that by the time of the aggression on Poland his official status had been reduced to that of Minister without Portfolio and personal adviser to Hitler. We know, too, that he is sometimes credited with opposition to certain of the more radical elements of the Nazi Party; and I further understand that at the time of capture by United States forces he was under German detention in a prison camp, having been arrested by the Gestapo in July, 1944.

Be this as it may, our proof will show that at least up until the end of 1937 Schacht was the dominant figure in the rearming of Germany and in the economic planning and preparation for war; that without his work the Nazis would not have been able to wring from their depressed economy the tremendous material requirements of armed aggression; and that Schacht contributed his efforts with full knowledge of the aggressive purposes which he was serving.

The details of this proof will be presented in four parts. First, we will very briefly show that Schacht accepted the Nazi philosophy prior to 1933 and supported Hitler's rise to power.

Second, proof of the contribution of Schacht to German rearmament and preparation for war will be submitted. This evidence will also be brief, since the facts in this respect are well known and have already been touched upon by Mr. Dodd in his presentation of the case on economic preparation for war.

Third, we will show that Schacht assisted the Nazi conspiracy purposely and willingly with knowledge of and sympathy for its illegal ends.

And last, we will prove that Schacht's loss of power in the German Government did not in any sense imply disagreement with the policy of aggressive war.

We turn now to our proof that Schacht helped Hitler to power.

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Schacht met Goering for the first time in December 1930, and Hitler, early in January 1931, at Goering's house. His impression of Hitler was favorable. I offer in evidence US Exhibit 615, consisting of an excerpt from a pre-trial interrogation of Schacht, under date of 20 July 1945, and quote two questions and answers related to this meeting, near the middle of the first page of the interrogation.

THE PRESIDENT: Are you going to give us the Exhibit number? You haven't given us the other number?

LT. BRYSON: This is an interrogation, sir, and it will not have to --

THE PRESIDENT: Have you got a number for it?

LT. BRYSON: You will find it in your document book in the back, labeled "Schacht Interrogation of 20 July 1945." I quote from the middle of the first page:

"Q. What did he (that is, Hitler) say?

"A. Oh, ideas he expressed before, but it was full of will and spirit."

And near the bottom of the page:

"What was your impression at the end of that evening?"

THE PRESIDENT: That doesn't seem to be on my first page.

LT. BRYSON: Near the bottom, sir.

THE PRESIDENT: The first page of the Schacht interrogation?

LT. BRYSON: The first page of the Schacht interrogation.

THE PRESIDENT: I beg your pardon. I didn't know there was more than one.

LT. BRYSON: There will be several.

THE PRESIDENT: Yes, I see.

LT. BRYSON: I quote near the bottom of the page:

"Q. What was your impression at the end of that evening?

"A. I thought that Hitler was a man with whom one could cooperate."

After this meeting Schacht allied himself with Hitler, and at a crucial moment in November 1932 he lent the pretige of his name, which was widely known in banking, financial, and business circles throughout the world, to Hitler's cause. I offer in evidence US Exhibit 616, consisting of excerpts from a

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pre-trial interrogation of Schacht on 17 October 1945. I wish to quote beginning at the top of page 36 of this interrogation. This is the interrogation of 17 October 1945, at page 36. I may say that when I refer to the page numbers I speak of the page of the document.

THE PRESIDENT: I have only got page 1 and page 9 to 15. I have got it now, yes.

LT. BRYSON: "Q. Yes, and at that time (referring to January 1931) you became a supporter, I take it --

"A. In the course--

"Q. Of Hitler's coming to power.

"A. Especially in the course of the years 1931 and 1932."

And I quote further from the lower half of page 37 of the same interrogation:

"Q. But what I mean -- to make it very brief indeed -- did you lend the prestige of your name to help Hitler come to power?

"A. I have publicly stated that I expected Hitler to come to power, for the first time that I remember in November '32."

I quote further:

"Q. And you know, or perhaps you don't, that Goebbels in his diary records with great affection --

"A. Yes.

"Q. The help that you gave him at that time?

"A. Yes, I know that.

"Q. November, 1932?

"A. From the Kaiserhof to the Chancellory and back.

"Q. That's right; you have read that?

"A. Yes.

"Q. And you don't deny that Goebbels was right?

"A. I think his impression was, that was correct at that time."

I now refer the Tribunal to this statement of Goebbels, set forth in 2409A-PS. The Diary of Goebbels is in evidence as US Exhibit No. 262. The entry I wish to read, which appears in 2409A-PS, was made on 21 November 1932

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"In a conversation with Dr. Schacht, I assured myself that he absolutely represents our point of view. He is one of the few who accepts the Fuehrer's position entirely."

It is believed that Schacht joined the Party only in the sense that he allied himself with the cause. Dr. Franz Reuter, whose biography of Schacht was officially published in Germany in 1937, has stated that Schacht refrained from formal membership in order to be of greater sssistance to the Party. I offer in evidence EC 460, US Exhibit No. 617, consisting of an excerpt from Reuter's biography, and I quote the last sentence of the excerpt:

"By not doing so -- at least until the final assertion and victory of the Party -- he was able to assist it (the Party) much better than he would have been able to do had he become an official Party member."

It was Schacht who organized the financial means for the decisive March 1933 election at a meeting of Hitler with a group of German industrialists in Berlin. Schacht acted as the sponsor or host of this meeting, and a campaign fund of several million Marks was collected. Without reading therefrom, I offer in evidence EC 439, US Exhibit 618, an affidavit of von Schnitzler under date of 10 November 1945, and refer the Tribunal to the Transcript for 23 November, pages 281 to 283, where the text of the affidavit already appears in the record.

Further evidence on this point is also contained in the excerpt from the interrogation of Schacht on 20 July 1945, from which I read a part a moment ago. Schacht lent his support to Hitler not only because he was an opportunist, but also because he shared Hitler's ideological principles. Apart from the entry in Goebbel's diary, this may be seen from Schacht's own letter to Hitler, under date of 29 August 1932, pledging continued support to Hitler after the latter's poor showing in the July 1932 elections. I offer this letter in evidence as EC 457, US Exhibit 619, and quote from the middle of the first paragraph and further

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from the next to the last paragraph:

"But what you could perhaps do with in these days is a word of most sincere sympathy. Your movement is carried internally by so strong a truth and necessity that victory in one form or another cannot elude you for long."

And further down, and keep in mind that neither Hitler nor Schacht was then in the German Government Schacht says:

- "Wherever my work may take me in the near future, even if you should see me one day within the fortress, you can always count on me as your reliable assistant."

THE PRESIDENT: What do those words mean at the top "The President of the Reichsbank in retirement"? Are they on the letter?

LT. BRADY O. BRYSON: Yes, they are, sir. Dr. Schacht had previously been a president of the Reichsbank. At this time he was in retirement. You will remember, this is prior to Hitler's accession to power.

THE PRESIDENT: Yes, of course.

LT. BRADY O. BRYSON: And then Hitler reinstated Dr. Schacht as president of the Reichsbank after the Nazis had taken over.

THE PRESIDENT: And he put that at the top of his letter, did he?

LT. BRADY O. BRYSON: That I cannot say. I will also point out that Schacht signed this letter "With a Vigorous Heil."

We turn now to the second part of our proof, relating to Schacht's contribution to preparation for war.

The detailed chronology of Schacht's official career in the Nazi Government, as set forth in 3021-PS, has already been submitted in evidence as US Exhibit No. 11. However, it may be helpful at the outset to remind the Tribunal that Schacht was recalled to the Presidency of the Reichsbank by Hitler on 17 March 1933, which office he continuously held until 20 January 1939; that he was Acting Minister and then Minister of Economics from August 1934 until November 1937; and that he was appointed General Plenipotentiary for War Economy in May 1935. He resigned as Minister of Economics and General Plenipotentiary for War

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Economy inNovember 1937, when he accepted appointment as Minister without Portfolio, which post he held until January 1943. His position as virtual economic dictator of Germany in the crucial years from early 1933 to the end of 1936 is practically a matter of common knowledge.

Schacht was the guiding genius behind the Nazi expansion of the German credit system for rearmament purposes. From the outset, he recognized that the plan for German military supremacy required huge quantities of public credit. To that end a series of measures was adopted which subverted all credit institutions in Germany to the over-all aim of supplying funds for the military machine. I will briefly mention some of these measures.

By Cabinet decree on 27 October 1933 the statutory reserve of forty per cent in gold and foreign exchange required against circulating Reichsbank notes was permanently abandoned. By the Credit Act of 1934, the government assumed jurisdiction of all credit institutions, and control over the entire banking system was centralized in Schacht as Chairman of the Supervisory Board for the Credit System and President of the Reichsbank. This Act not only enabled Schacht to control the quantity of credit but also its use. On 29 March 1934, a system of forced corporate lending to the Reich was imposed on German business. And on 19 February 1935, the Treasury was authorized to borrow funds in any amounts approved by the Reich Chancellor, that is, by Hitler.

On these points, I ask the Tribunal to take judicial notice of the Reichsgesetzblatt, 1933, part 2, page 827; Reichsgesetzblatt, 1934, part 1, page 1203; Reichsgesetzblatt, 1934, part 1, page 295; and Reichsgesetzblatt, 1935, part 1, page 198.

THE PRESIDENT: Are they found here in the document book?

LT. BRADY O. BRYSON: They're not in the document book, sir. I asked only that judicial notice be taken of them as published laws of Germany.

These measures enabled Schacht to embark upon what he himself has termed a "daring credit policy", including the secret financing of a vast amount of armaments through the so-called "Mefo" bill, a description

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of which appears in the transcript for 23 November at page 295. I offer in evidence EC. 436, US Exhibit No.620, consisting of a statement, dated 2 November 1945, by Emil Puhl, a director of the Reichsbank during Schacht's presidency , and quote the second paragraph thereof as follows:

"In the early part of 1935, the need for financing an accelerated rearmament program arose. Dr. Schacht, President of the Reichsbank, after considering various techniques of financing, proposed the use of 'Mefo' bills, to provide a substantial portion of the funds needed for the rearmament program. This method had as one of its primary advantages the fact that secrecy would be possible during the first years of the rearmament program, and figures indicating the extent of rearmament that would have become public through the use of other methods could be kept secret through the use of 'Mefo' bills."

The extent of the credit expansion, and the importance of "Mefo" financing, may be seen from E.C. No. 419, which I now offer as US Exhibit No.621, and which consists of a letter from Finance Minister von Krosigk to Hitler, under date of 1 September 1938. I quote the following figures from the middle of the first page:

"The development of the Reich debt is as follows:

"As of December 31, 1932, Funded Debt: 10.4 millions of Reichsmarks: Current Debt: 2.1 billions of Reichsmarks: Debt (not subscribed to by

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public, that is, trade and 'Mefo' bills of exchange): 0.

"As of June 30, 1938, Funded Debt: 19 billion Reichsmarks; Current Debt: 5 billion Reichsmarks; and Debt (not subscribed to by public, that is, trade and 'Mefo' bills of exchange): 13.3 billion Reichsmarks.

"Total, as of December 31, 1932: 12.5 billion Reichsmarks; as of June 30, 1938: 35.8 billion Reichsmarks."

The Reich debt thus tripled --

THE PRESIDENT: Would you read the next section, beginning with the words "Provisions were made to cover".

LT. BRADY O. BRYSON: "Provisions were made to cover the armament expenditures for the year 1938 (the same amount as in 1937) as follows:

"Five billions from the budget, that is, taxes; 4 billions from loans; 2 billions from six months' treasury notes, which means postponement of payment until 1939; total: 11 billions."

The Reich debt thus tripled under Schacht's management. More than one-third of the total was financed secretly and through the instrumentality of the Reichsbank by "Mefo" and trade bills. It is clear that this amount of financing outside the normal public issues represented armament debt. I read further from EC. 436, at the beginning of the last long paragraph:

"These 'Mefo' bills were used exclusively for financing rearmament, and when in March 1938 a new finance program discontinuing the use of 'Mefo' bills was announced by Dr. Schacht, there was a total volume outstanding of 12 billion marks of 'Mefo' bills which has been issued to finance rearmament."

The character of Schacht's credit policy and the fact that it was ruthlessly dedicated to the creation of armaments plainly appear from his own speech delivered on 29 November 1938.

I offer it in evidence as EC 611, U.S. Exhibit No. 622, and I quote from page 6 at the beginning of the last paragraph:

"It is possible that no bank of issue in peacetimes carried on such a daring credit policy as the Reichsbank since the seizure of power by National Socialism. With the aid of this credit policy, however, Germany created an armament second to none, and this armament in turn made possible

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the results of our policy."

Beyond the field of finance Schacht assumed totalitarian control over the German economy generally, in order to marshall it behind the rearmament program.

He acquired great power over industry as a result of the Nazi reorganization of German industry along military lines, and in accordance with the so-called "Leadership Principle". On this point I refer the Tribunal to the transcript for 23 November at pp. 287-290; and to RGBl. 1934, Part I, page 1194, of which the Tribunal is asked to take judicial notice.

Schacht also exercised broad powers as a member of the Reich Defense Council, which was secretly established on 4 April 1933, and the function of which was preparation for war. The Tribunal is referred to the transcript for 23 November, p. 290. I also offer in evidence as EC 128, U.S. Exhibit No. 623, a report under date of 30 September 1934, showing the functions of the Ministry of Economics in this respect. The report reveals concentration upon all the familiar wartime economic problems, including stockpiling, production of scarce goods, removal of industry to secure areas, fuel and power supply for war production, machine tools, control of wartime priorities, rationing, price control, civilian supply, and so on. I wish to read into the record merely an excerpt showing the jurisdiction of the Ministry of Economics, beginning near the top of page 2. This is EC.128, and I read from the top of page 2:

> "With the establishment of the Reich Defense Council and its permanent committee the Reich Ministry of Economics has been given the task of making economic preparation for the conduct of the war. There should really be no need to explain the tremendous significance of this task. Everyone remembers how terribly the lack of any economic preparation for war avengeditself during the world war."

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Finally, in 1934, Schacht acquired sweeping powers under legislation whi authorized him, as Minister of Economics, to take any measure deemed necessary for the development of the German economy. In this connection reference is made to RGBL. 1934, Part I, page 565, of which the Tribunal is asked to take judicial notice.

The so-called "New Plan", devised by Schacht, was announced inthe fall of 1934 shortly after he became Minister of Economics. In this connection the Tribunal is referred to RGBl. 1934, Part I, page 816 and RGBl. 1935, Part I, page 105, with the request that judicial notice be taken thereof. The new Plan was Schacht's basic program for obtaining the necessary foreign-produced raw materials and foreign exchange required to sustain the rearmament program.

With respect to the details of the New Plan, I offer in evidence EC. 437, U.S. Exhibit No. 624, consisting of an affidavit of Emil Puhl, dated 7 November 1945. The entire text is pertinent. Therefore, permissio is requested to submit the affidavit without reading therefrom, on condition that French and Russian translations be prepared and filed.

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THE PRESIDENT: And German ones supplied too.

LT. BRYSON: The original is in German, sir.

THE PRESIDENT: It is in German?

LT. BRYSON: Yes.

THE PRESIDENT: But copies will be supplied too?

LT. BRYSON: We will supply copies. I wish to say that the original is in English, but the affidavit has already been translated into German.

THE PRESIDENT: Yes.

LT. BRYSON: This affidavit, by a co-worker of Schact, describes in detail the many ingenious and often ruthless devices he used, including negotiating "stand-still" agreements, forcing payment in Reichsmarks of interest and amortization on debts incurred in foreign currency, using scrip and funding bonds for the same purpose; suspending service on foreign-held debt; blocking foreign-held marks; freezing foreign claims in Germany; eliminating unessential foreign expenditures; requisitioning German-held foreign exchange; subsidizing experts; issuing restricted marks; bartering under clearing agreemtns; licensing imports; and controlling all foreign exchange transactions to the end of favoring raw materials for armaments, and for the export industires to obtain further foreign exchange.

The Tribunal is also asked to take judicial notice of Reichsgesetzblatt 1934, page 997; Reichsgesetzblatt 1933, Part I, page 349, and Reichsgesetzblatt 1937, Part I, page 600, relating to the Clearing Bank, the Conversion Bank, and the maturity of Foreign Loans, all of which decrees are mentioned in the affidavit.

Schacht even went so far as to invest foreign-held Reichsmarks on deposit in German banks in rearmament notes, thus, as he put it, financing rearmament with the assets of his political opponents. Without reading therefrom, I refer your Honors to PS-1168, U.S. Exhibit 37, being a memorandum from Schacht to Hitler, dated 3 May, 1935, which already appears in the transcript on pages 412 and 413. Moreover, Schacht even resorted to capital punishment to prevent the loss of foreign exchange when frightened capital began to flee the country. In this connection reference is made to the Law Against Economic Sabotage, found in 1936 Reichsgesetzblatt, Part I, page 999,

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of which the Tribunal is asked to take judicial notice.

Schacht took particular pride in the results which were accomplished under the stringent controls which he instituted under his "New Plan". I refer the Tribunal to EC. 611, in evidence as U.S. Exhibit No. 622, consisting of Schacht's speech in Berlin on 29 November 1938. I wish to read into the record an excerpt from the top of page 10:

"If there is anything remarkable about the New Plan it is again only the fact that German organization under National Socialist leadership succeeded in conjuring up in a very short time the whole apparatus of supervision of imports, direction of exports, and promotion of exports. The success of the New Plan can be proved by means of a few figures. Calculated according to quantity, the import of finished products was throttled by 63 percent between 1934 and 1937. On the other hand, the import of ores was increased by 132 percent, of petroleum by 116, of grain by 102 and of rubber by 71 percent."

While President of the Reichsbank and Minister of Economics, Schacht acquired still another key position, that of General Plenipotentiary for the War Economy.

He received this appointment from Hitler pursuant to the unpublished Reich Defense Law, secretly enacted on 21 May 1935. This law is in evidence as 2261-PS, U.S. Exhibit No. 24, consisting of a letter from von Blomberg, dated 24 June 1935, to the Chiefs of the Army, Navy and Air Forces, together with copies of the Reich Defense Law and the Cabinet's memorandum relating thereto. Pertinent comments on and

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excerpts from this document appear in the transcript for 23 November, at pp.278 and 292 . I will simply state, therefore, that by virtue of this appointment, Schacht was put in complete charge - except for certain direct armament production under control of the War Ministry, in complete change of economic planning and preparation for war in peacetime; and upon the outbreak of war, he was to be the economic czar of Germany, with complete control over the activities of a number of key Reich ministries.

Schacht appointed Wohltat as his deputy and organized a staff to carry out his directives. In this connection I offer in evidence excerpts from a pre-trial interrogation of Schacht under date of 17 October 1945. This document is U.S. Exhibit 616.. I wish to read into the record a question and answer found at the bottom of page 40 of the document:

"Q. Let me ask you a general question, then: Do you take the responsibility as Plenipotentiary for the war economy for the writings that were made and the actions that were done by Wohltat and his assistants?

"A. I have to."

I also offer in evidence EC. 258, U.S. Exhibit No. 625, consisting of a status report issued in December 1937 under the signature of Schacht's deputy Wohltat. The report is entitled "The Preparation of the Economic Mobilization by the Plenipotentiary for War Economy". Schacht had withdrawn from office immediately before the preparation of this report, and it plainly is a recapitulation of his accomplishments while in office. Since the entire text is relevant, we ask permission to submit the document without reading therefrom, on condition that translations into French and Russian be later filed with the Tribunal.

THE PRESIDENT: I do not think this is consistent with the rule laid down by the Tribunal, which was that the translations in the French and Russian language should be submitted at the same time. You are now suggesting that you can submit translations at a later stage.

LIEUTENANT BRYSON: Well, if your Honor please, in any event I didn't plan to read from the document at this time and defense counsel do have the German original.

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THE PRESIDENT: I was not speaking of the defense counsel so much as of the members of the Tribunal.

LIEUTENANT BRYSON: We have the Russian translation in process now and it was delayed and we were unable to get it here at this time but the delay will be very short and the document is of critical importance to our case.

THE PRESIDENT: How long will it be before it is ready?

LIEUTENANT BRYSON: I wouldn't like to say precisely, sir, but perhaps within four, five days.

THE PRESIDENT: What did you propose to do now because it is a very complicated and long document, is it not?

LIEUTENANT BRYSON: It is and it shows ----

THE PRESIDENT: Were you proposing to summarize it?

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LIEUTENANT BRYSON: I was proposing to summarize it, sir, now.

THE PRESIDENT: The Tribunal thinks that if you would summarize it now and only be permitted to put it in at the stage when you have the translation ready, you may summarize it now.

LIEUTENANT BRYSON: I will summarize it now, sir.

This document discloses that before his resignation --

THE PRESIDENT: Will it take long to summarize?

LIEUTENANT BRYSON: Not very long, sir, no.

THE PRESIDENT: You see, it is five o'clock.

LIEUTENANT BRYSON: I think there will be time to summarize it and then we will stop.

This document discloses that before his resignation Schacht had worked out in amazing detail, his plans and preparations for the management of the economy in the forthcoming war. For example, 180,000 industrial plants in 300 industries had been surveyed with respect to usefullness for war purposes; economic plans for the production of 200 basic materials had been worked out; a system for the letting of war contracts had been devised; allocations of coal, motor fuel, and power had been determined; 248 million Reichsmarks had been spent on storage facilities alone; evacuation plans for war materials and skilled workers from military zones had been worked out; 80 million wartime ration cards had already been printed and distributed to local areas; and a card-index on the skills of some 22 million workers had been prepared.

That concludes the summary, your Honor.

THE PRESIDENT: We will adjourn now.

(Whereupon at 1703 the Tribunal adjourned until the following day at 1000).